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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91172562
Party	Plaintiff Cobra Capital LLC
Correspondence Address	Gregory J. Vogler McAndrews, Held & Malloy Ltd. 500 West Madison Street 34th Floor Chicago, IL 60661 UNITED STATES gvogler@mhmlaw.com
Submission	Motion to Suspend for Civil Action
Filer's Name	Gregory J. Vogler
Filer's e-mail	gvogler@mhmlaw.com
Signature	/Gregory J. Vogler/
Date	09/15/2006
Attachments	Motion to Suspend Opposition.pdf ( 96 pages )(5022669 bytes )

In the matter of Application Serial No. 78482362  
Filed on September 13, 2004  
For the Mark: MAKING MORE POSSIBLE  
Published in the *Official Gazette (Trademarks)* on July 4, 2006

**Motion to Suspend Opposition Proceeding in View of  
Pending Civil Action Pursuant to Trademark Rule 2.117(a)**

The suit is based on Defendants' infringement of Opposer's validly assigned, federally registered service mark MAKING IMPOSSIBLE POSSIBLE, U.S. Certificate of Registration

No. 2,613,787, by Defendants' use of Applicant's service mark MAKING MORE POSSIBLE. Dale Kluga validly assigned this service mark to Opposer, Cobra Capital LLC, on April 21, 2005. Exhibit 2. Complaint alleges Defendants' use of Applicant's service mark MAKING MORE POSSIBLE will likely confuse customers as to the goods and services provided in connection with Opposer's services provided under its federally registered service mark MAKING IMPOSSIBLE POSSIBLE. A survey report supporting a likelihood of confusion is attached as Exhibit 3. The suit seeks to permanently enjoin Defendants from using MAKING MORE POSSIBLE and award Opposer, Cobra Capital LLC, damages.

In view of the fact that this pending civil action involves the same issues which are involved in this opposition proceeding, the determination of these issues will be dispositive of this proceeding. Opposer therefore requests suspension of these opposition proceedings pending determination of the civil action pursuant to Trademark Rule 2.117(a), 37 C.F.R. § 2117(a).

September 15, 2006

Respectfully submitted,

Cobra Capita LLC

By: /Gregory J. Vogler/

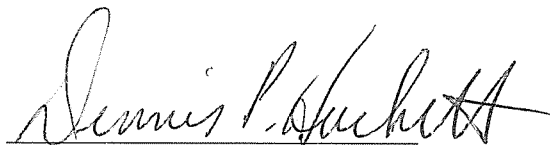
Gregory J. Vogler  
Alejandro Menchaca  
Dennis P. Hackett  
McANDREWS, HELD & MALLOY, LTD.  
34th Floor  
500 West Madison Street\  
Chicago, Illinois 60661  
312-775-8000

**CERTIFICATE OF SERVICE**

I hereby certify that on the date below, a copy of the foregoing **Motion to Suspend Proceeding in View of Pending Civil Action Pursuant to Trademark Rule 2.117(a)** was served upon the attorney for Applicant by depositing same in the United States Mail, first class postage prepaid, in an envelope addressed as follows:

Carol A. Genis  
Bell, Boyd & Lloyd LLC  
Three First National Plaza  
70 West Madison Street  
Suite 3300  
Chicago, Illinois 60602

Dated: September 15, 2006

A handwritten signature in black ink, appearing to read "Dennis P. Schmitt", is written over a horizontal line.

# EXHIBIT 1

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS**

COBRA CAPITAL LLC	)	
a Delaware limited liability company,	)	
	)	
Plaintiff,	)	Civil Action No. 05C-2419
	)	
v.	)	Judge Elaine E. Bucklo
	)	
LASALLE BANK CORPORATION	)	Magistrate Judge Morron Denlow
a Delaware corporation,	)	
	)	
LASALLE BANK N.A.	)	
a national banking association,	)	
	)	
LASALLE BANK MIDWEST N.A.	)	
a national banking association,	)	
	)	
LASALLE NATIONAL LEASING	)	
CORPORATION,	)	
a Delaware corporation,	)	
	)	
Defendants.	)	

**SECOND AMENDED COMPLAINT AND JURY DEMAND**

Plaintiff Cobra Capital LLC ("COBRA CAPITAL") sets forth its Second Amended Complaint against defendants LaSalle Bank Corporation, LaSalle Bank N.A., LaSalle Bank Midwest, N.A., and LaSalle National Leasing Corporation (collectively referred to as "LaSalle Bank Group" or "Defendants") as follows:

### **PARTIES**

1. COBRA CAPITAL LLC is a limited liability company, organized and existing under the laws of the State of Delaware, with its principal place of business at 1301 West 22<sup>nd</sup> Street, Suite 302, Oak Brook, Illinois 60523.

2. Upon information and belief with respect to Defendants:

a. LaSalle Bank Corporation is a corporation organized and existing under the laws of Delaware, with its principal place of business at 135 South LaSalle Street, Chicago, IL 60603.

b. LaSalle Bank N.A. is a national banking association, with its principal place of business at 135 South LaSalle Street, Chicago, IL 60603. LaSalle Bank N.A. is a subsidiary of LaSalle Bank Corporation.

c. LaSalle Bank Midwest N.A. is a national banking association, with its principal place of business at 2600 Big Beaver Road, Troy, MI 48084. LaSalle Bank Midwest N.A. is a subsidiary of LaSalle Bank Corporation.

d. Defendant LaSalle National Leasing Corporation is a corporation organized and existing under the laws of Delaware, with its principal place of business at One W. Pennsylvania Avenue, Suite 1000, Towson, MD 21204 and, in Illinois, at 135 South LaSalle Street, Chicago, IL 60603. LaSalle National Leasing Corporation is a wholly owned subsidiary of LaSalle Bank N.A.

### **JURISDICTION AND VENUE**

3. Subject matter jurisdiction is conferred upon this Court by 28 U.S.C. §§ 1331 and 1338. In addition, supplemental jurisdiction over related state law claims is conferred upon this Court by 28 U.S.C. § 1367(a).

4. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and (c), as well as 28 U.S.C. § 1400(a).

### **FACTUAL BACKGROUND**

#### **Parties and their Prior Relationship**

5. COBRA CAPITAL was formed in 2000 to provide financial services including banking and lease-purchasing financing.

6. Defendants are related companies that provide financial services, such as banking and lease-purchasing services that compete directly with COBRA CAPITAL for the same customers, particularly in the Chicagoland area. COBRA CAPITAL and the LaSalle Bank Group have at least the following same past or prospective customers: Relational Funding Corporation, Fastweb.com, Inc., Monster.com, Industrial Crating, Inc., Administrative Management Group Inc. aka Lincoln Financial Group, Vilter Manufacturing, McDonalds Corporation, Johnson Controls, Inc., Truserv Corporation, Correctional System Inc., Marcap Corporation, Standard Parking, Remet Corporation, Corsolutions Medical, Inc., Oak Brook Bank, Cole Taylor Bank, MB Financial Bank, Forest Park National Bank, Allstate Insurance, and others. COBRA CAPITAL further plans to open a Denovo Community Bank in the Chicagoland area which would compete for customers now banking with LaSalle Bank, the well-known Chicago bank. The LaSalle Bank Group, through CEO Norman Bobbins and others, was aware in September 2003 that COBRA CAPITAL intends to establish a community bank offering banking services. Exhibit G.

7. Prior to forming COBRA CAPITAL, the two principals of COBRA CAPITAL had long associations with Defendants and related companies. For example, Mr. Dexter Tong was a Senior Vice President of ABN-AMRO, Inc., an affiliate of the LaSalle Bank



Group, and Mr. Dale Kluga was a Senior Vice President of LaSalle Bank N.A., a subsidiary of LaSalle Bank Corporation.

8. The LaSalle Bank Group has long been well aware of COBRA CAPITAL and the identity of services offered by COBRA CAPITAL to services offered by the LaSalle Bank Group. In fact, on July 8, 2003, legal counsel for LaSalle Bank Corporation demanded that COBRA CAPITAL cease and desist from allegedly using the marks "LaSalle" and "ABN AMRO" of the LaSalle Bank Group, Exhibit H. LaSalle Bank admitted that it visited the COBRA CAPITAL website at [www.cobralc.com](http://www.cobralc.com) to identify the use of marks and names by COBRA CAPITAL for services identical to the services of the LaSalle Bank Group. COBRA CAPITAL voluntarily complied with the requests of the LaSalle Bank Group. The assertion of trademark rights by the LaSalle Bank Group against COBRA CAPITAL is an admission by the LaSalle Bank Group that 1) both companies provide the same or similar services to the same or similar customers; and 2) confusion will likely occur between customers of the two parties when using similar service marks for similar services.

COBRA CAPITAL First Uses The Service Mark "MAKING IMPOSSIBLE POSSIBLE" Which Is Registered For Banking And Lease-Purchasing Financing

9. COBRA CAPITAL owns U.S. Certificate of Registration No. 2,613,787 for the service mark "MAKING IMPOSSIBLE POSSIBLE. COBRA CAPITAL also owns common law trademark rights for the service marks "MAKING IMPOSSIBLE POSSIBLE<sup>TM</sup>" and "MAKE THE IMPOSSIBLE POSSIBLE<sup>TM</sup>", (hereafter collectively referred to as "MAKING IMPOSSIBLE POSSIBLE"). COBRA CAPITAL or Dale Kluga continuously has used these marks in interstate commerce in the U.S. with "financial services, namely, banking and lease-purchase financing" (in International Class 36) since at least as early as the year 2000.

A copy of the Certificate of Registration granted by the United States Patent and Trademark Office is attached hereto as Exhibit A.

10. Due to COBRA CAPITAL's extensive use and promotion, the "MAKING IMPOSSIBLE POSSIBLE" mark has acquired secondary meaning, in that an appreciable number of customers and others associate the "MAKING IMPOSSIBLE POSSIBLE" mark with COBRA CAPITAL or COBRA CAPITAL's financial services.

11. By virtue of COBRA CAPITAL's diligent efforts, the expenditure of considerable funds for promotional activities, and the quality of the services COBRA CAPITAL offers under its "MAKING IMPOSSIBLE POSSIBLE" mark, COBRA CAPITAL has developed considerable goodwill in its "MAKING IMPOSSIBLE POSSIBLE" mark.

With Actual Knowledge of COBRA CAPITAL's Use Of The Service Mark "MAKING IMPOSSIBLE POSSIBLE", The LaSalle Bank Group Adopts A Similar Service Mark For The Same Services For The Same Customers

12. The LaSalle Bank Group has been aware of COBRA CAPITAL'S service marks "MAKING IMPOSSIBLE POSSIBLE" and "MAKE THE IMPOSSIBLE POSSIBLE"<sup>TM</sup> since at least as early as 2003 when LaSalle Bank Group acknowledged, in writing, that it studied COBRA CAPITAL's website which prominently displayed the service mark. Without permission or authorization of COBRA CAPITAL, the LaSalle Bank Group adopted in 2005 the service mark "MAKING MORE POSSIBLE." In a deliberate attempt to flood the marketplace with its marketing muscle and bury COBRA CAPITALS service mark rights, the LaSalle Bank Group has used the "MAKING MORE POSSIBLE" service mark almost everywhere imaginable in the Chicagoland area and nationwide in its advertisements and promotion of services offered by the LaSalle Bank Group. These uses are in direct competition with COBRA CAPITAL services and contemplated

expansion of COBRA CAPITAL services. Exemplary uses by the LaSalle Bank Group include:

- a. On the page of the parent of the LaSalle Bank Group web site providing information about itself (<http://www.abnamro.com/com/about/about.jsp>), the LaSalle Bank Group has highlighted that it has adopted "MAKING MORE POSSIBLE" as its "one global tag line." Exhibit B.
- b. From the above referenced information page, the parent of the LaSalle Bank Group links a page (<http://www.abnamro.com/com/about/mmp.jsp>) specifically highlighting that "MAKING MORE POSSIBLE" is a part of the LaSalle Bank Group rebranding in March 2005 which it will use worldwide with all its major subsidiaries. Exhibit C.
- c. Both of the above pages also link to a file which is an advertisement for the LaSalle Bank Group prominently featuring "MAKING MORE POSSIBLE". Exhibit D.
- d. The LaSalle Bank Group has prominently used and continues to use the "MAKING MORE POSSIBLE" mark in newspaper advertisements continuously since around March 1, 2005 to flood the Chicagoland media. Representative examples include use of the "MAKING MORE POSSIBLE" mark in advertisements in Crain's Chicago Business on at least March 7, 21, 28 and April 4, advertisements in the Chicago Sun-Times on at least March 8, 16, 29, 30, 31 and April 6, 7 and 14, advertisements in the Chicago

Tribune on at least March 20 and April 3, and in a host of Chicago suburban newspapers, including, by way of example, a April 13, 2005 Downers Grove Reporter/Progress advertisement. Exhibit E.

e. The LaSalle Bank Group has prominently been promoting its change to its new "MAKING MORE POSSIBLE" service mark, including releasing information to the general public resulting in a March 8, 2005 article in the Chicago Sun Times (Exhibit F) about the change and a related television advertisement. The advertising campaign has been indicated to include a 60-second television commercial and "also rolls out in print, outdoor and online, [and] is keyed to the service mark "MAKING MORE POSSIBLE," used for all the businesses of the LaSalle Bank Group. The television commercial is entitled "Wishes" and is said to set "a touchingly serene tone for the bank's new branding campaign... while pressing hard on the theme LaSalle is in business to make wishes come true for its customers." The "Wishes" title and the message of the commercial further bring to mind COBRA CAPITAL's "MAKING IMPOSSIBLE POSSIBLE" mark, given the commonly accepted meaning of "wish" as being to "desire something that cannot or probably will not happen.

f. The LaSalle Bank Group has advertised its services to the general public through its service mark "MAKING MORE POSSIBLE" on the Chicagoland radio stations including but not limited to WGN 720 radio, WBBM 780 radio, WSCR 670 radio or WMVP 1000 radio on a daily basis in March and April 2005.

g. The LaSalle Bank Group has advertised its services to the general

public through its service mark "MAKING MORE POSSIBLE" on highway billboards around the Chicagoland expressways, including but not limited to I-94 (Kennedy Expressway).

13. These uses by the LaSalle Bank Group of its newly-adopted service mark "MAKING MORE POSSIBLE" will likely confuse customers as to services provided in connection with services advertised with COBRA CAPITAL's "MAKING IMPOSSIBLE POSSIBLE" registered service mark. The activities of the LaSalle Bank Group, a huge conglomerate of multi-national companies, will dominate in the marketplace and dilute and destroy the trademark rights, and the value thereof, of COBRA CAPITAL.

14. The acts and activities described above are unauthorized and unlawful. On February 28, 2005, counsel for COBRA CAPITAL wrote to the General Counsel for LaSalle Bank Corporation demanding that the "MAKING MORE POSSIBLE" cease being used. On March 3, 2005, counsel for COBRA CAPITAL forwarded the February 28, 2005 letter to other persons of authority at the LaSalle Bank Group seeking to ensure that the matter be brought to the attention of the appropriate persons. The LaSalle Bank Group declines to cease using the mark "MAKING MORE POSSIBLE".

15. Given the relative sizes of the companies, LaSalle Bank Group's promotion of the confusingly similar service mark "MAKING MORE POSSIBLE" for identical services to identical customers is likely to overwhelm the relevant financial market's recognition of COBRA CAPITAL's "MAKING IMPOSSIBLE POSSIBLE" service mark, and thereby dilute and destroy this valuable COBRA CAPITAL asset. The acts of LaSalle Bank Group further inhibit the expansion of the services of COBRA CAPITAL through the use of the service mark "MAKING IMPOSSIBLE POSSIBLE."

16. It is unfair to the public and COBRA CAPITAL to have two Chicagoland companies use similar service marks to promote identical services to identical customers. The likelihood of confusion is evident and unavoidable. COBRA CAPITAL was first with "MAKING IMPOSSIBLE POSSIBLE"; the late-comer LaSalle Bank Group (which knew of COBRA CAPITAL's service mark) must cease using "MAKING MORE POSSIBLE."

**COUNT I -- FEDERAL TRADEMARK INFRINGEMENT**

17. COBRA CAPITAL specifically incorporates and realleges the allegations asserted in each of the preceding paragraphs, as if fully set forth herein.

18. COBRA CAPITAL engages in interstate commerce and promotes the services it offers under the "MAKING IMPOSSIBLE POSSIBLE" service mark throughout the United States.

19. The "MAKING IMPOSSIBLE POSSIBLE" mark has been, and continues to be, known throughout the United States as identifying and distinguishing COBRA CAPITAL's services in the financial services market.

20. As a registered service mark, the "MAKING IMPOSSIBLE POSSIBLE" mark is deemed to be distinctive for purposes of trademark law, either inherently or through acquired distinctiveness.

21. Without the authorization or consent of COBRA CAPITAL, the LaSalle Bank Group has used, and continues to use, a mark that is confusingly similar to the "MAKING IMPOSSIBLE POSSIBLE" service mark.

22. The LaSalle Bank Group knew that its adoption and use of a service mark for its services, which is confusingly similar to the "MAKING IMPOSSIBLE POSSIBLE" service

mark, would cause or be likely to cause confusion or mistake among the public as to the source, affiliation, or origin of its services.

23. The LaSalle Bank Group has and will use the confusingly similar "MAKING MORE POSSIBLE" service mark to attract customers in the financial services market, intending to sell to such customers services which are not affiliated with COBRA CAPITAL.

24. The LaSalle Bank Group's use of the "MAKING MORE POSSIBLE" mark has caused, or is likely to cause, confusion, mistake, or deception among customers in the relevant market as to the source or origin of the services provided by the LaSalle Bank Group and COBRA CAPITAL. The LaSalle Bank Group's conduct is likely to deceive the general public into believing that the services being offered by the LaSalle Bank Group in connection with its infringing "MAKING MORE POSSIBLE" mark originate from, are associated with, or are otherwise authorized by COBRA CAPITAL, or vice versa, in violation of 15 U.S.C. § 1114(a).

25. By using a service mark that is confusingly similar to the "MAKING IMPOSSIBLE POSSIBLE" mark to attract customers in the financial services market without intending to provide services authorized by COBRA CAPITAL, the LaSalle Bank Group is depriving COBRA CAPITAL of its exclusive right to control and benefit from its service mark and diluting the trademark rights of COBRA CAPITAL.

26. COBRA CAPITAL has been, and continues to be, damaged by LaSalle Bank Group's activities and conduct. The LaSalle Bank Group has profited thereby and, unless its conduct is enjoined, COBRA CAPITAL's reputation, goodwill, and legal right to expand services will continue to suffer irreparable injury that cannot adequately be calculated or

compensated by money damages. Accordingly, COBRA CAPITAL seeks injunctive relief pursuant to 15 U.S.C. § 1116.

27. By intentionally using a service mark that is confusingly similar to the "MAKING IMPOSSIBLE POSSIBLE" mark, the LaSalle Bank Group has traded on COBRA CAPITAL's reputation and goodwill and damaged COBRA CAPITAL. Accordingly, COBRA CAPITAL is entitled to damages it can establish, including but not limited to an accounting of all of the profits that LaSalle Bank Group has derived from its unlawful use of the mark and an award of its actual damages (trebled), together with reasonable attorney's fees, pursuant to 15 U.S.C. § 1117(a).

**COUNT II - UNFAIR COMPETITION AND FALSE DESIGNATION OF ORIGIN**

28. COBRA CAPITAL specifically incorporates and references the allegations asserted in each of the preceding paragraphs, as if fully set forth herein.

29. By using the confusingly similar "MAKING MORE POSSIBLE" mark and by selling, offering for sale, distributing, and/or advertising services to the same customers of the financial services market using this mark, without COBRA CAPITAL's authorization or consent, the LaSalle Bank Group is falsely representing an affiliation with COBRA CAPITAL.

30. LaSalle Bank Group's use of the "MAKING MORE POSSIBLE" mark in connection with its business constitutes false designation of origin, false descriptions and representations, and infringement of COBRA CAPITAL's service mark. LaSalle Bank Group intentionally has used a combination of elements that is likely to cause mistake or to deceive people as to LaSalle Bank Group's affiliation, connection, or association with COBRA CAPITAL's services or commercial activities, or vice versa, in violation of 15 U.S.C. § 1125(a)(1).



31. COBRA CAPITAL has been, and continues to be, damaged by LaSalle Bank Group's activities and conduct. LaSalle Bank Group has profited thereby and, unless its conduct is enjoined, COBRA CAPITAL'S reputation, goodwill, and legal right to expand services will continue to suffer irreparable injury that cannot adequately be calculated or compensated by money damages. Accordingly, COBRA CAPITAL seeks injunctive relief pursuant to 15 U. S.C. § 1116.

32. By using a mark that is confusingly similar to the "MAKING IMPOSSIBLE POSSIBLE" mark, LaSalle Bank Group has traded on COBRA CAPITAL'S reputation and goodwill and damaged COBRA CAPITAL. Accordingly, COBRA CAPITAL is entitled to the damages it can establish, including but not limited to an accounting of all of the profits LaSalle Bank Group has derived from its unlawful use of the mark and an award of its actual damages (trebled), together with reasonable attorney's fees, pursuant to 15 U.S.C § 1117(a).

### **COUNT III-- DILUTION AND UNFAIR COMPETITION**

33. COBRA CAPITAL specifically incorporates and references the allegations asserted in each of the preceding paragraphs, as if fully set forth herein.

34. By using a service mark confusingly similar to the "MAKING IMPOSSIBLE POSSIBLE" mark and by selling, offering for sale, distributing, and/or advertising goods and services to the same customers of the financial services market under this mark, without COBRA CAPITAL's authorization or consent, LaSalle Bank Group is falsely representing an affiliation with COBRA CAPITAL and diluting the recognition for and the value of COBRA CAPITAL's service mark rights.

35. LaSalle Bank Group's use of the "MAKING MORE POSSIBLE" mark in connection with its business constitutes dilution of and unfair competitors relative to COBRA CAPITAL's service mark and business. LaSalle Bank Group has used a combination of elements that is likely to cause mistake or to deceive people as to LaSalle Bank Group's affiliation, connection, or association with COBRA CAPITAL's goods, services, or commercial activities, or vice versa.

36. COBRA CAPITAL has been, and continues to be, damaged by LaSalle Bank Group's activities and conduct, LaSalle Bank Group has profited thereby and, unless its conduct is enjoined, COBRA CAPITAL's reputation, goodwill, and legal right to expand services will continue to suffer irreparable injury that cannot adequately be calculated or compensated by money damages. Accordingly, COBRA CAPITAL seeks injunctive relief pursuant to 15 U.S.C § 1116.

37. By using a mark that is confusingly similar to the "MAKING IMPOSSIBLE POSSIBLE" mark, LaSalle Bank Group has diluted and traded on COBRA CAPITAL's reputation and goodwill and damaged COBRA CAPITAL. Accordingly, COBRA CAPITAL is entitled to the damages it can establish, including but not limited to an accounting of all of the profits LaSalle Bank Group has derived from its unlawful use of the mark and an award of its actual damages (trebled), together with reasonable attorney's fees, pursuant to 15 U.S.C. § 1117(a).

**COUNT IV -VIOLATION OF ILLINOIS CONSUMER FRAUD  
AND DECEPTIVE BUSINESS PRACTICES ACT**

38. COBRA CAPITAL specifically incorporates and references the allegations asserted in each of the preceding paragraphs, as if fully set forth herein.

39. The acts and conduct of LaSalle Bank Group constitute unfair competition as defined by 815 ILCS 505/1, *et seq.*

40. The acts, practices and conduct of LaSalle Bank Group constitute unfair competition and deceptive business practices and consumer fraud in violation of the Illinois Consumer Fraud and Deceptive Business Practices Act as defined by 815 ILCS 505/1, *et seq.*, in that said acts and practices are likely to lead the public to conclude, incorrectly, that various services offered, solicited, advertised and marketed by LaSalle Bank Group originate with, are sponsored by, or are authorized by COBRA CAPITAL, or vice versa, to the damage and harm of COBRA CAPITAL and the public.

41. As a direct and proximate result of LaSalle Bank Group's acts, practices, and conduct, COBRA CAPITAL has been and will likely continue to be substantially injured and damaged.

42. LaSalle Bank Group's acts, practices and conduct have resulted in monetary damages to COBRA CAPITAL and gain of profit to the LaSalle Bank Group, COBRA CAPITAL is entitled to damages.

**COUNT V - VIOLATION OF ILLINOIS UNIFORM DECEPTIVE  
TRADE PRACTICES ACT**

43. COBRA CAPITAL specifically incorporates and references the allegations asserted in each of the preceding paragraphs, as if fully set forth herein.

44. LaSalle Bank Group's use of a mark which is confusingly similar to COBRA CAPITAL's "MAKING IMPOSSIBLE POSSIBLE" mark constitutes a deceptive trade practice in violation of the Uniform Deceptive Trade Practices Act of Illinois. 815 ILCS 510/1 *et seq.*

45. LaSalle Bank Group's unauthorized use of the mark confusingly similar to the service mark of COBRA CAPITAL is likely to cause confusion, dilution, or misunderstanding as to the source, sponsorship, approval, association or certification of LaSalle Bank Group's services, or vice versa, in violation of 815 ILCS 510/2(a).

46. LaSalle Bank Group's deceptive trade practices have caused and will continue to cause irreparable injury and damage to COBRA CAPITAL's business, reputation and goodwill. COBRA CAPITAL has no adequate remedy at law to prevent this injury.

47. As a direct result of LaSalle Bank Group's acts, practices, and conduct, COBRA CAPITAL has suffered monetary damages to which COBRA CAPITAL is entitled to recover from LaSalle Bank Group.

#### **COUNT VI - COMMON LAW TRADEMARK INFRINGEMENT**

48. COBRA CAPITAL specifically incorporates and realleges the allegations asserted in each of the preceding paragraphs, as if fully set forth herein.

49. The "MAKING IMPOSSIBLE POSSIBLE" and "MAKE THE IMPOSSIBLE POSSIBLE<sup>TM</sup>" marks have been used throughout the United States as indicating that the associated services come from COBRA CAPITAL.

50. Without authorization or consent of COBRA CAPITAL, Defendants have used, and continue to use, the confusingly similar "MAKING MORE POSSIBLE" mark and sell, offer for sale, distribute, and advertise goods and services to the financial services market and general public using this mark, in or affecting interstate commerce.

51. Defendants' massive use of the "MAKING MORE POSSIBLE" mark for its services in almost every advertising medium and location imaginable in the

Chicagoland area and elsewhere has caused, and will continue to cause, confusion, mistake, and deception among the financial services market and general public as to the origin of the goods and services. Defendants' conduct has caused reverse confusion in the financial services market such that COBRA CAPITAL'S common law trademark rights have been destroyed.

52. By using a service mark confusingly similar to the "MAKING IMPOSSIBLE POSSIBLE" and "MAKE THE IMPOSSIBLE POSSIBLE<sup>TM</sup>" service marks and by selling, offering for sale, distributing, and/or advertising goods and services to the financial services market and general public under such mark, for profit and without COBRA CAPITAL's authorization, Defendants are depriving COBRA CAPITAL of its exclusive right to control and benefit from its service marks.

53. COBRA CAPITAL has been, and continues to be, damaged by Defendants' activities and conduct. Defendant has profited thereby and, unless its conduct is enjoined, COBRA CAPITAL's reputation and goodwill will continue to suffer irreparable injury that cannot adequately be calculated or compensated by money damages. Accordingly, COBRA CAPITAL seeks injunctive relief and monetary damages to compensate it for the harm.

#### **JURY DEMAND**

Plaintiff demands a trial by jury on each and every claim and defense so triable.

**WHEREFORE**, COBRA CAPITAL respectfully requests that the Court:

A. Preliminarily and permanently enjoin LaSalle Bank Group and its officers, directors, agents, employees, attorneys, successors, assigns, members, and all persons acting in concert or participation with them, from using as a slogan, tag line, service mark, or trademark "MAKING MORE POSSIBLE" or any other slogan, tag line, service mark, or trademark which is

confusingly similar to the "MAKING IMPOSSIBLE POSSIBLE" mark in connection with the sale, offering for sale, distribution, promotion, and/or advertisement of goods and/or services relating to financial services, namely banking and lease-purchase financing;

B. Enter judgment in favor of COBRA CAPITAL on each and every count asserted in COBRA CAPITAL's Complaint and find that COBRA CAPITAL is entitled to damages, including but not limited to an accounting of all of the profits LaSalle Bank Group has derived from all unlawful use of COBRA CAPITAL's service marks and an award of its actual damages, trebled as appropriate;

C. Require LaSalle Bank Group to pay COBRA CAPITAL such damages as COBRA CAPITAL has sustained in consequence of LaSalle Bank Group's infringement, dilution, deceptive trade practices and unfair competition and to account for all gains, profits and advantages derived by LaSalle Bank Group by said trade practices and unfair competition;

D. Require LaSalle Bank Group to take all steps necessary to restore COBRA CAPITAL's service mark recognition in all relevant markets, including corrective advertising;

E. Award COBRA CAPITAL the attorney fees and costs incurred in bringing and prosecuting this action, including but not limited an award of attorneys fees under 15 U.S.C. § 1117(a) or common law based upon a finding of "exceptional case"; and

F. Award COBRA CAPITAL such further relief as the Court deems just, proper and equitable.

COBRA CAPITAL LLC

A handwritten signature in black ink, appearing to read "G. J. Vogler", written over a horizontal line.

Gregory J. Vogler, Esq.

Dennis P. Hackett, Esq.

MCANDREWS, HELD & MALLOY, LTD.

500 West Madison Street

34<sup>th</sup> Floor

Chicago, Illinois 60661

(312) 775-8000

Dated: March 7, 2006

## EXHIBIT A



# The United States of America



## CERTIFICATE OF REGISTRATION

Registration Number

2,613,787

*This certificate is to certify that the Mark shown below has been registered in the United States Patent and Trademark Office to the named registrant.*

## MAKING IMPOSSIBLE POSSIBLE

Owner: *Dale R. Kluga*, Downers Grove, Illinois  
Date registered: September 3, 2002  
For: Financing Services, Namely, Banking and Lease-Purchase Financing.

*The records of the United States Patent and Trademark Office show that an application of registration of the Mark shown in this Certificate was filed in the Office; that the application was examined and determined to be in compliance with the requirements of the law and with the regulations prescribed by the Commissioner of Patent and Trademarks; and that the Applicant is entitled to registration of the Mark under the provision of Section 8 of the Trademark Act of 1946*

*This registration shall remain in force for TEN (10) years, unless terminated earlier as provided by law.*



A handwritten signature in cursive script, reading "J. Todd Pichini".

Commissioner of Patents and Trademarks

## EXHIBIT B

## ABN-AMRO About ABN-AMRO



Products & Services

Markets

Press Room

Investor Relations

About ABN-AMRO

Corporate Governance

## About ABN-AMRO

### Profile

Read about ABN-AMRO's three Strategic Business Units (SBUs) and its strategy. View our organisation chart and see how we're ranked based on total assets and user capital. [Read more](#)

### History

ABN-AMRO roots go all the way back to 1827, when the Dutch King, William I, initiated the liquidation of the Dutch-Trading Society. Browse photos, brochures, advertisements and other historical material related to ABN-AMRO. [Read more](#)

### Corporate Values

These values are the heart of our organisation, inherent in everything we do. [Read more](#)

### Business Principles

Based on our four Corporate Values, these guide our employees in their daily work. Defining them clarifies what we stand for and unites us as a Group. [Read more](#)

### Making more possible

Read about ABN-AMRO's newly adopted global tag-line and what it means for clients, staff and other stakeholders. [Read more](#)

### Sustainable development

ABN-AMRO is committed to creating long-term value for our shareholders, clients and employees. View information on accountability, providing responsible financial services, being a great place to work and how ABN-AMRO is involved in the community. [Read more](#)

### Sponsorship

ABN-AMRO supports a variety of projects, particularly in sports and arts. [Read more](#)

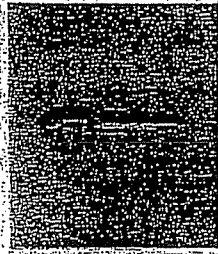
### Reports

Find the current and past Annual Report, Environmental Report and the first Group-wide Sustainability Report. [Read more](#)

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**Making more possible**  
The ABN-AMRO Group has adopted one global tag-line. Read about what it means for our clients, staff and other stakeholders. [Read more](#)

**Corporate citizenship**  
ABN-AMRO is helping to promote the sustainable development on which all our futures depend in an increasingly global economy. [Read more about:](#)  

- Sustainability
- Business Principles
- Sponsorship activities
- Sustainability Report

Page 2 of 2

## ABN AMRO About ABN AMRO

### Worldwide presence

As an international bank, we have more than 3,400 branches in more than 50 countries. Find addresses of all offices around the world. [Read more](#)

### Links

[View Internet links to a selection of ABN AMRO's major brands and subsidiaries.](#)

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<http://www.abnamro.com/about/about.jsp>

3/8/2005

## EXHIBIT C

Page 1 of 2

ABN AMRO Making more possible



Products & Services  
Careers  
Press Room  
Investor Relations  
About ABN AMRO  
Corporate Governance

About ABN AMRO

Profile  
History  
Corporate Values  
Business Principles  
Making more possible  
Sustainable Development  
Equity  
Renewable  
Worldwide Presence  
Links

## Making more possible

The ABN AMRO Group has adopted one global tag line for all our major subsidiaries sharing the green and yellow shield logo since the Group's rebranding project in 2003. (Read about it in the press release.)

The idea to have one global tag line can be traced back to the rebranding. That was never just a visual exercise - it was also about communicating the ABN AMRO Group's focus on sustainability, synergies and Business Principles, which together form our shared values and identity.

That's why our tag line, 'Making more possible', plays a role beyond advertising. It supports our strategy, concisely summing up all of what the brand stands for in a way that's understood by all stakeholders.

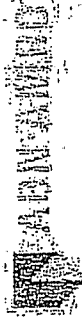
Internally, the tag line will help define the company, used as a benchmark to hold our employees to account. It will help focus on our common vision, uniting staff across regions and businesses.

Externally, our tag line conveys our intention to go the extra mile for clients, finding innovative and committed solutions. We promise the best people for the job and the best products and services we can deliver.

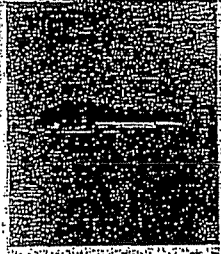
It's also an invitation to work together with us - the more we and our stakeholders try to reach other, the better we can deliver what really amounts to making more possible. It is a statement describing what we intend to do for (and together with) our stakeholders, creating a standard that we're ready to be held up against.

Well now, that clients benefit from our international scope and the diversity of products that we offer across all Business Units, we know that we can further improve this integrated offering. If we make the connection across the BUS even stronger, the new tag line is also a further move towards strengthening the bonds across our business.

Making more possible



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★ Download this ad  
★ See a previous ad campaign

<http://www.abnamro.com/about/mmp.jsp>

3/8/2005

Page 2 of 2

ADN-AMRO Making more possible

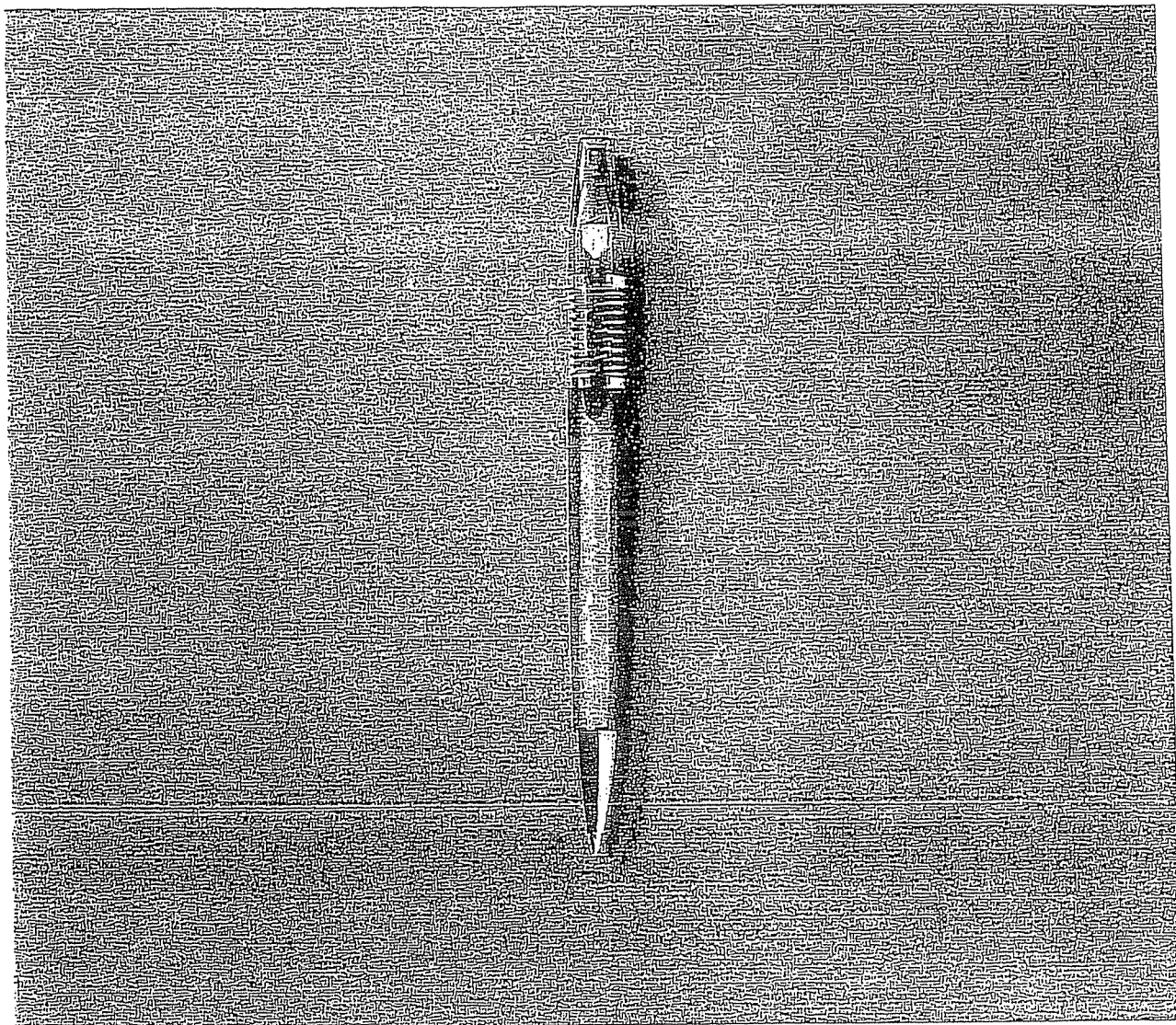
Individuals Private Information  
Company or Organization: ADN-AMRO Bank LLC  
All information is confidential

3/8/2005

<http://www.adn-amro.com/about/amro.jsp>

## EXHIBIT D





It doesn't just compose passionate love letters or scribble intricate doodles in meetings. This pen wields power. It signs contracts authorising loans to enterprising individuals and ambitious companies. It confirms investment plans, extends credit limits and restructures debt. This pen signs off millions of mortgage applications making home ownership a reality for many. It validates sponsorships with all kinds of sporting and cultural organisations bringing entertainment and a high return to millions. It also sanctions education workshops ensuring standards of financial literacy are raised. This pen grants the thousands of small-scale entrepreneurs so fledgling businesses like a chain of "bush" shops contribute to the growth of communities

in the developing world. And it approves macro loans for huge corporations to give them the capital they need to expand. This pen gets things done. It clinches deals. It stimulates economies. It encourages prosperity. This pen is highly profitable too - for just for us, but also for our shareholders and - by endorsing our commitment to sustainable development - for the planet. Above all, this pen is a catalyst for change. The key to a wealth of opportunities, inspiring people worldwide to be all they can be. Thankfully, there are 97,000 other pens just like it scattered across six continents. Each one belonging to a resourceful and dedicated ABN AMRO employee. The future is a blank sheet of paper. Need a pen?

## EXHIBIT E

8 • CHICAGO SUN-TIMES  
WEDNESDAY, MARCH 16, 2005

## METRO



### CLOUT ON WHEELS

A Sun-Times Special Report follow-up

## City Hall will miss Tadin, insiders say

BY FRAN SPIELMAN  
City Hall Reporter

Mayor Daley's plan to abolish Chicago's scandal-ridden Hired Truck program is turning out to be a lot easier said than done.

Five weeks after Daley declared plans to abolish the program, top mayoral aides are still struggling to find a replacement. And spring construction season is weeks away.

City Hall initially talked about hiring a private contractor to handle everything from hiring, screening and dispatching trucks to making certain they do what many in the Hired Truck program failed to do: give Chicago taxpayers an hour's work for an hour's pay.

But they were quickly faced with a stark political reality: perennial city-trucking contractor Michael Tadin is one of the few people with the vehicles and expertise to perform such a job. And Tadin has been persona non grata at City Hall since the scandal that claimed the mayor's City Council floor leader, Ald. Patrick Huels (11th).

Huels was forced to resign in October 1997 after the Chicago Sun-Times disclosed that his security company accepted a \$1.35 million bailout loan from Tadin, who had received a \$1.1 million city subsidy with Huels' help.

#### Project will be puzzle

"You have to have a huge fleet. Nobody out there has that capability except Tadin — and that's absolutely a non-starter," said a City Hall source. Without Tadin or another trucking czar like him, the replacement for Hired Truck is likely to be a more piecemeal affair.

"It will probably be done in a way that minimizes our dependence on [outside] trucks as much as possible. There are creative ways to move away from the use of 20-ton trucks [this season] and, by next construction season, completely divest ourselves," the source said.

A major piece of the puzzle is expected to be oversized waste containers known around City Hall as "roll-off boxes."

Construction debris from a job site is placed in the container and hauled away only when the dumpster is filled to capacity. No longer will private trucks be paid \$40 to \$78 an hour to do little or no work or fight their way through rush-hour traffic.

ALS/BATH TUB REFINISHING



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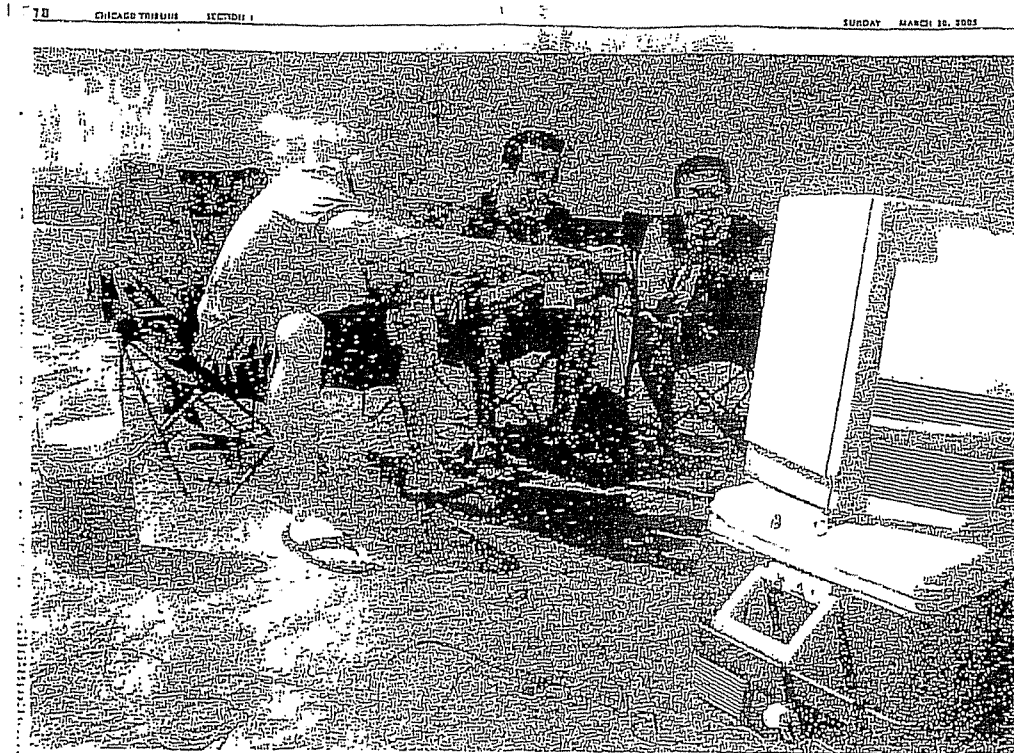
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- Free initial order of checks up to \$75
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Making more possible



**LaSalle Bank**  
ABN AMRO



More ATMs

More stores that only take cash

More cash for 12 extension cords

More baseball on the beach


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More ATMs  
More stores that only take cash  
More cash for 12 extension cords  
More baseball on the beach

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## LATE NEWS

### LaSalle furloughs 'Bank that works'

LaSalle Bank Corp. is scrapping its longtime slogan "The bank that works" and launching a new advertising campaign in March. The bank's new tagline will be "Making more possible," a spokesman said.

Sears will pay Morgan Stanley \$25 million for investment banking services in the deal to sell the Hoffman Estates-based retailer to Michigan-based Kmart Holding Corp. Separately, Mindy Meuda, CEO of Sears' Lands' End unit, sold company stock valued at \$1.4 million.

Earl of Sandwich, a fast-casual restaurant chain based in Florida, plans to open 20 outlets in the Chicago area by 2008, the company said.

Law firm Seyfarth Shaw is negotiating to lease about 250,000 square feet at Bank One Center, 131 S. Dearborn St., after ruling out a move to Bank One Plaza, 2 S. Dearborn St.

WMS Industries has laid off workers in its slot machine business. A company official wouldn't say how many jobs were cut but said the total was less than 100.

The Illinois Commerce Commission has determined it has no authority to review the merger of SBC Communications, Chicago's dominant telephone company, and AT&T.

For more late news and other stories, visit [chicagobusiness.com](http://chicagobusiness.com), updated daily.

## INSIDE THIS ISSUE

# CRAIG'S

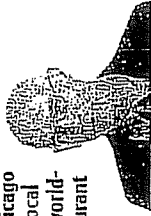
## CHICAGO BUSINESS

CHICAGOBUSINESS.COM | FEBRUARY 28, 2005 | \$3.00

### GREG HINZ

#### Park privileges

Why did Chicago get just 3 local bids for a world-class restaurant space? PAGE 2



# Chicago vies for tech HQ

Making case for Motorola spinoff Freescale to move 600 jobs here

BY JULIE JOHNSON

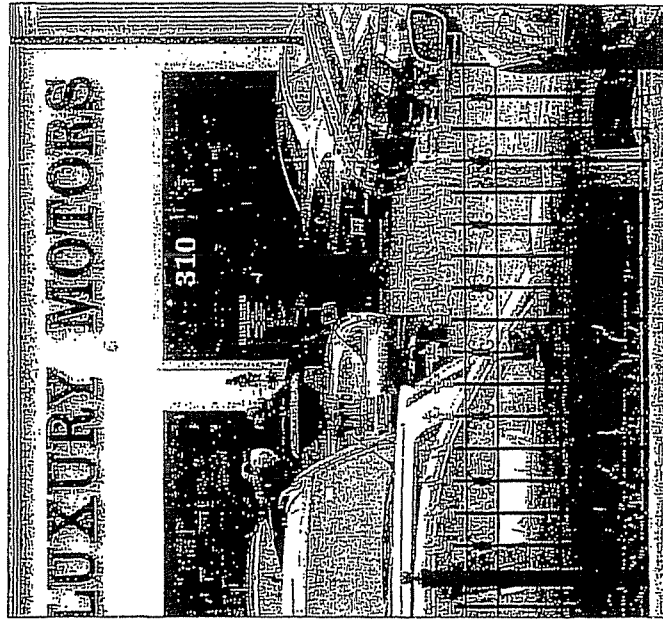
Chicago is vying with two other cities to land the corporate headquarters of Freescale Semiconductor Inc., a recent Motorola Inc. spinoff and Fortune 500 company.

Local government officials and business leaders are pulling out the stops to impress executives at the semiconductor maker, which plans to decide on a headquarters by the end of March. At stake: up to 600 headquarters jobs and 150,000 square feet of

business leaders traveled last week to Freescale's current headquarters outside Austin, Texas, to make their case to Freescale CEO Michel Mayer.

Among those involved in the pitch: City Planning Commissioner Denise Casolino; Gerald Roper, president and CEO of the Chicago Chamber of Commerce; and Paul O'Connor, executive director of World Business Chicago, which promotes economic development. Chicago Mayor Richard M. Daley also urged Mr. Mayer in a telephone call to make the Second City his first choice.

But Chicago is a latecomer—a but long shot. The city and Freescale have been in talks for



The Illinois attorney general's office says it has received about 50 consumer complaints against Luxor Motors Inc. since 2000.

## STATE INVESTIGATES

LaSalle Bank N.A. Member FDIC © 2005

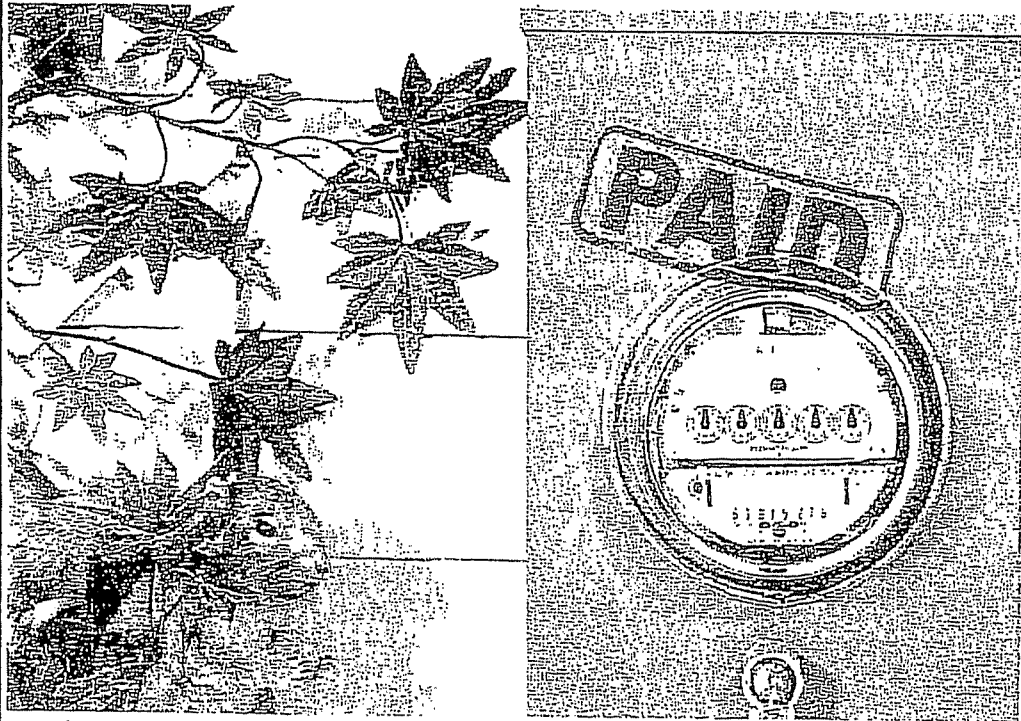
More  
unusual ways  
of doing  
business as usual.

Making more possible



**LaSalle Bank**  
ABN AMRO





## Get up to \$50 to pay any bill when you open a Checking With Interest Account.

Open a Checking With Interest Account and you'll get a \$25 credit when you use direct deposit, plus another \$25 when you sign up for Free Online Bill Pay. That's up to \$50 to pay any bills you want. What's more, the Checking With Interest Account lets you earn interest with a tiered rate which can grow as your balance grows. You'll also get a free debit card. Free Online Banking and free access to over 1500 ATMs\*. To open your account stop by any LaSalle Bank branch call (800) 275-9072 or visit [lasallebank.com](http://lasallebank.com)

Making more possible



**LaSalle Bank**  
ABN AMRO

The minimum balance to earn a Checking With Interest Account and to earn up to a \$50 credit is \$50. Funds will not be considered part of the minimum opening deposit. All accounts opened are subject to approval, terms and conditions. If your opening balance is less than \$500 (in the case, you will be charged 2.0% Your Checking With Interest Account will earn interest at a tiered rate. The interest rates are Annual Percentage Yield (APY) as variable and may change along the account life cycle. For 2004-05, the APY for the Checking With Interest Account with a balance of \$500 to \$1,000 is 0.25%, a balance of \$1,000 to \$2,500 is 0.45%, a balance of \$2,500 to \$5,000 is 0.65%, a balance of \$5,000 and over is 0.85%. A \$25 credit bonus will be credited to your account for qualifying direct deposit of account opening and a \$25 credit bonus for opening up to 10 days after the \$25 credit will also be credited to your account. Funds are limited to one new product opened.

## EXHIBIT F

CHICAGO SUN-TIMES • TUESDAY, MARCH 8, 2005

49

# MEDIA MIX

## LEWIS LAZARE

e-mail: lazare@suntimes.com

### Lazzeretti to lead FCB's creative development

Jonathan Harries, chairman and CEO of Foote, Cone & Belding/Chicago wants funny, and he hopes to get it with the arrival of Ron Lazzeretti as the agency's first creative development director. "Ron is a funny guy," said Harries. "He knows funny, he thinks funny, and we want funny."

Lazzeretti started on the agency side of the ad business, before breaking away to work as a commercial director. Over the past decade, he has directed spots for various agencies, including FCB's "Thick-headed" campaign for A&W.

The exact parameters of Lazzeretti's new role at FCB are being worked out, but he is expected to work with creatives at the agency to polish the commercials for a variety of clients. "I now hope to have an impact on the creative on the front end," said Lazzeretti. "I really feel FCB is on the brink of doing some great things."



Ron Lazzeretti

### AD NOTES

• A source reports Ogilvy/Chicago is picking the Fellows paper shredder advertising account, now at J.M. Glass & Associates in Bannockburn. With all the concerns about identity theft, business is said to be good at the Fellows operation. Ogilvy apparently wants in on the action. An Ogilvy spokeswoman declined comment.

• Independent public relations firm Edelman came in at the top of Jack O'Dwyer's annual ranking of top public relations firms. But the 2004 results were compromised, somewhat, by the fact 21 of the nation's top public relations firms, now owned by global holding companies, refused to release data about billings and staffing. Edelman, however, reported an 11.9 percent boost in fees to \$230.4 million in 2004. The biggest previous year in recent times was 2000, when billings reached \$238 million. But at the end of 2004, Edelman only employed 1749 people, compared with 2,319 four years ago.

• State Farm Insurance is said to be near to signing a multimillion-dollar deal to become a lead sponsor of the NCAA national basketball championship.

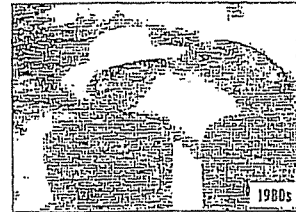
• Dan Modole and Kai Fang have teamed up to create a new Chicago company called Gianinbers, specializing in a unique photo treatment process similar to what directors provide when shooting a TV spot. The company's process hinges on a written treatment that explores the creative concept and the shot to make a print ad stronger through additional art direction.



1960s

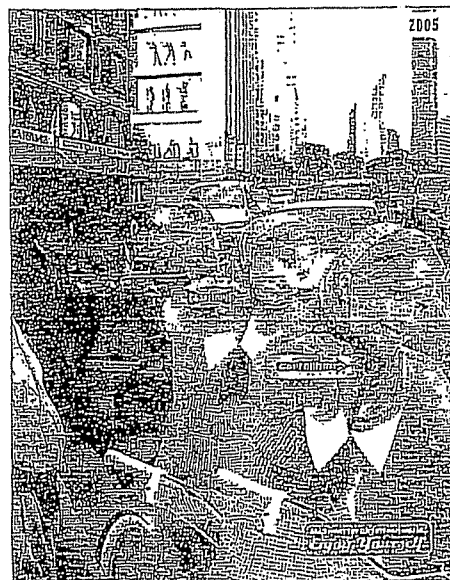


1970s



1980s

### TWINS THROUGH THE YEARS



2005

### Wrigley brings back dynamic Doublemint duo

Get ready to double your pleasure, Agula.

The Wm. Wrigley Jr. Co. today is announcing the return of one of the chewing gum giant's most familiar icons — well, really two of its most familiar icons. We're talking, of course, about that unabashedly sweet duo known as the Doublemint Twins.

First introduced to the public way back in the 1960s, their last appearance on air was in 1998. For years, the twins sang their hearts out and smiled beatifically, while hawking Wrigley's Doublemint brand. But as times changed and the country's mood seemed more at odds with such good-natured, innocent ad icons, inevitably the twins were dumped in favor of more contemporary advertising.

But someone at Wrigley apparently decided iconic was better than what passes for contemporary advertising today and made the call to bring back the twins. In a new commercial from BBDO/Chicago called simply "We're Back," we see a new set of twins with blond tresses in a whole new context that might charitably be

described as high camp.

Perhaps camp is the only way Wrigley execs believed they could sell the twins to today's viewers, but the execution makes for some jarring juxtapositions while the twins inquire — in musical fashion — "Whatever happened to simple fun?"

As the twins mull that vexing question, they hike through some wild situations. A skateboarder does a breathtaking flip and crash lands with a nasty thud, but the twins keep singing and smiling as they roll past. They paddle through a yoga class where people are twisted into shocking positions before the twins finally wind up at an extreme motorcycle event.

The spot ends with one of the twins in closeup smiling for the camera, as if to suggest everything we've just witnessed is all in good, clean fun. "We're Back" is a busy, outrageous piece of work that reminds us of the equally campy ads for Wrigley's Orbit gum. The Orbit spots feature another blonde named Vanessa who is lead of the word "fabulous."



### 'Wishes' spot grants LaSalle a sophisticated image

LaSalle Bank takes aspirational advertising to a new high on Wednesday with the debut of "Wishes," a 60-second commercial from BBDO/Chicago that sets a touchingly sincere tone for the bank's new branding campaign. The campaign, which also rolls out in print, outdoor and online, is keyed to the tagline "Making More Possible," used for all ABN Amro-owned banks.

"Wishes" is pretty much the antithesis of everything quirky and comedic the bank's former ad agency of record, Cramer-Kraselt/Chicago, cooked up, but in its own dreamy way, BBDO's campaign gives the bank a more sophisticated image, while pressing hard on the theme LaSalle is in business to make wishes come true for its customers.

Set to a genuinely wonderful mood-setting original composition by Kimo Remp of Elise Arts in Los

Angeles, "Wishes" is a montage of people soon making a wish, each in a distinctive way. The opening and closing vignettes are perhaps the most exquisite of many lovely visuals in this execution.

As the commercial begins we see a man standing before a beautiful fountain. He reaches into a satchel and pulls out two jars full of coins, and then stands with his back to the fountain and empties their contents into the fountain.

In the final scene we see a young lady on a building rooftop walk to

the edge and open the palm of her hand to reveal three eyelashes. As the urban vista stretches far around her and she contemplates her wish, she blows the wisps of hair out of her hand and into the vast blue yonder.

"Wishes" looks to have been put together with tender loving care by a team of true advertising romantics. It projects a gloriously warm emotional quality that, alas, has grown all too rare in ads today.

Levi's view: A-

ROBERT FEDER  
Is on assignment



## EXHIBIT G

Dale Kluga

---

From: norman bobins@abnamro.com  
Sent: Wednesday, September 24, 2003 5:38 AM  
To: Dale Kluga  
Cc: wayne veselsky@abnamro.com; terry keating@abnamro.com; timothy kaiser@abnamro.com  
Subject: RE: FW: ABN/LaSalle Trademark Infringement

Dear Dale,

I want to wish you the best of luck on the establishment of a community bank. I think it is a great idea. We would certainly be pleased to act as correspondent. I am sure our people could provide some useful insights and advice. Unfortunately, investing in such a transaction is not consistent with our mandate.

Kindest regards,

Norm

"Dale Kluga"  
<dale@cobrallc.com>  
<dexter@cobrallc.com>  
09/23/2003 02:10  
<dryan@hinshawlaw.com>  
PM  
Infringement

To: "Dale Kluga" <dale@cobrallc.com>,  
<norman bobins@abnamro.com>,  
cc: <timothy.kaiser@abnamro.com>,  
<jsmortimer@woodphilips.com>,  
Subject: RE: FW: ABN/LaSalle Trademark

Norm,

I am told this morning that the website changes ABN requested were made but that these changes will need to "propagate" through the multiple number of search engines in the worldwide web's system and that the changes will take effect as our website is visited on each respective search engine. Our IT consultant could not guarantee when these changes will show on all the search engines for obvious reasons beyond his or anyone's individual control. I expect but cannot guarantee that the changes will take place by the 10-1-03 deadline.

Now that we have promptly resolved this issue to ABN's satisfaction, would you have interest in participating in our next business venture of establishing a local community bank? Cobra Capital has performed extremely well over its first 3 years of operation including paying off all of our bank debt within 18 months of its conception and is now, and will be hereafter, a net provider of cash. We may borrow periodically but expect to fully rest our \$5 million line on at least a quarterly basis. Our institutional portfolio investors have capacity well in excess of our portfolio needs at least for the near future

If you are interested, please have someone from the bank contact me at 630-573-2000 Dex and I would be happy to discuss our preliminary plans with them. Our legal firm is Hinshaw & Culbertson and our audit & tax firm is Crowe Chizek. You personally know the partners at both firms

## EXHIBIT H

Dale R. Kluga  
President  
Cobra Capital LLC  
Oak Brook, IL  
630-573-2000

-----Original Message-----

From: timothy.kaiser@abnamro.com [mailto:timothy.kaiser@abnamro.com]  
Sent: Tuesday, July 08, 2003 2:44 PM  
To: dale@cobralc.com; dexter@cobralc.com  
Subject: ABN/LaSalle Trademark Infringement  
Importance: High

VIA EMAIL (dale@cobralc.com/dexter@cobralc.com)

Dale R. Kluga & Dexter S. Tong  
Cobra Capital LLC

Re: Trademark Infringement

Dear Mr Kluga and Tong:

I am legal counsel to LaSalle Bank Corporation, a subsidiary of ABN AMRO Holding N.V., one of the world's largest and most prominent financial institutions, and parent company of LaSalle Bank National Association, the second largest banking association in Illinois. ABN/LaSalle owns and/or uses a host of service and trademarks in the U.S. derived from both "ABN AMRO" and "LaSalle Bank", including "ABN AMRO" (U.S. Pat. & TM Off. reg. no. 1748791, issued January 26, 1993) and "LaSalle Bank" (U.S. Pat & TM Off. reg. no 1898288, issued June 6, 1995).

By virtue of ABN/LaSalle's exclusive and continuous use of these marks, and the substantial sums of money expended in connection with the marketing and promotion of the services thereunder, these marks have become widely recognized. ABN/LaSalle's marks constitute valuable intellectual property that is actively monitored and protected.

It has come to our attention that you are operating a website at www.cobralc.com wherein you claim that "The Cobra Capital business model . . . was tested at two major money center banks, Continental Bank and ABN LaSalle Bank . . ." (emphasis original). Judging by the rest of your website, it is apparent that you are equating Cobra Capital's commercial and bank leasing services with those of ABN AMRO and/or LaSalle Bank. In this regard, your suggestion that ABN AMRO or LaSalle "tested" Cobra Capital's leasing services or model, and your implication that ABN AMRO's or LaSalle's leasing model is or was the same as Cobra Capital's is false (not to mention inherently contradictory to your website's many claims that your products and services are "proprietary"), and constitutes false advertising, unfair competition, and trademark infringement and dilution of my clients' marks in violation of the Lanham Act (15 U.S.C. Sec. 1051 et seq.) and corresponding state trademark and unfair competition law.

In light of these facts, we hereby demand that your company immediately and forever cease all use of the marks "ABN AMRO" and "LaSalle Bank", or any variations thereof, including but not limited to the use of the marks in your company's web site. Further, we demand that all tangible materials bearing these marks be destroyed. Finally, we demand that your company immediately and forever cease claiming, whether expressly or by implication, to rely on a model tested by or in use at ABN AMRO or LaSalle Bank.

Please confirm in writing or by email within 10 days of the date of this message that your company, including any parent, subsidiary, affiliate and related company will comply with the demands set forth in this letter.

Failure to respond to us in a timely and favorable manner will require us to consider all further legal action necessary to protect our valuable intellectual property.

I look forward to hearing from you soon.

Sincerely,

Timothy D. Kaiser

Timothy D. Kaiser  
Assistant Counsel  
LaSalle Bank Corporation  
135 South LaSalle Street  
Suite 925  
Chicago, Illinois 60603  
Ph: (312) 904-5046  
Fax: (312) 904-2340  
Email: timothy.kaiser@abnamro.com

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# EXHIBIT 2

## SERVICE MARK ASSIGNMENT

WHEREAS, Dale R. Kluga, a United States individual, with his principal place of residence at 1836 Essex Place, Downers Grove, IL 606516 ("Assignor"), has adopted, owns, and is using the Mark "Making Impossible Possible" ("the Mark") in connection with the following goods or services: Financing Services, Namely, Banking and Lease-Purchase Financing; and

WHEREAS, Assignor owns a federal registration for the Mark on the Principal Register of the United States Patent and Trademark Office in connection with the goods and/or services identified therein, Registration No. 2,613,787, registered on September 3, 2002; and

WHEREAS, COBRA CAPITAL LLC, a limited liability company, organized and existing under the laws of the state of Delaware, with its principal place of business at 1301 West 22nd Street, Suite 302, Oak Brook, Illinois 60523 desires to acquire the Mark and the above-referenced Registration;

NOW, THEREFORE, for good and valuable consideration, including, but not limited to, Assignor's continued employment with Assignee and benefits received from such employment the sufficiency of which is hereby acknowledged, Assignor hereby sells, assigns and transfers to Assignee all right, title and interest in and to the Mark, together with the goodwill of the business symbolized by the Mark, and the registration thereof; and the right to sue for past infringement, passing off, or dilution of the assigned name and marks.

Dale R. Kluga  
Dale R. Kluga

Date effective as of: 4/21/05

SUBSCRIBED and SWORN to before me  
This 21<sup>st</sup> day of April, 2005 by

Candace Brenner



Notary Public  
My Commission Expires: April 8, 2008

7027038

# THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

August 28, 2006

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,613,787 IS  
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND  
EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN  
THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES  
PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 10 YEARS FROM *September 03, 2002*

SAID RECORDS SHOW TITLE TO BE IN:

*COBRA CAPITAL LLC*

*AN IL LLC*

By Authority of the

Under Secretary of Commerce for Intellectual Property  
and Director of the United States Patent and Trademark Office



E. BORNETT

Certifying Officer

Int. Cl.: 36

Prior U.S. Cls.: 100, 101 and 102

**United States Patent and Trademark Office**

Reg. No. 2,613,787

Registered Sep. 3, 2002

**SERVICE MARK  
PRINCIPAL REGISTER**

**MAKING IMPOSSIBLE POSSIBLE**

KLUGA, DALE R. (UNITED STATES INDIVIDUAL)  
1836 ESSEX PLACE  
DOWNERS GROVE, IL 60516

FIRST USE 1-4-2000; IN COMMERCE 1-4-2000.

SER. NO. 75-895,345, FILED 1-13-2000.

FOR: FINANCING SERVICES, NAMELY, BANKING AND LEASE-PURCHASE FINANCING, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

BERYL GARDNER, EXAMINING ATTORNEY

# EXHIBIT 3

# **First Amended Report of James T. Berger**

**Re: Cobra Capital LLC v. LaSalle Bank Corporation et al**

**First Amended Report of James T. Berger**  
**Re: Cobra Capital LLC v. LaSalle Bank Corporation et al**

1. This report focuses on a research study I conducted to determine if a selected sample of bank customers are likely to be confused by the Cobra Capital service mark, "MAKING IMPOSSIBLE POSSIBLE" in view of the LaSalle service mark, "MAKING MORE POSSIBLE." The first amended report includes the tabulation of the survey and the validation report, which resulted in the elimination of eight (8) invalid interviews.

**II. PERSONAL BACKGROUND**

2. Present Activities. I have been a faculty member at Northwestern University from 1986 through 2005 and a faculty member at Roosevelt University since 2001. I am also Principal of James T. Berger/Market Strategies, a strategic marketing communications and consulting firm. At Northwestern University, I taught courses in Principles of Marketing, Integrated Marketing Communications, Strategic Marketing, and Introduction to Public Relations. At Roosevelt University's Walter E. Heller College of Business Administration, I currently teach courses in Advertising, Consumer Behavior, Personal Selling and Sales Management, Global Marketing, Marketing Management, and Marketing in Theory and



Practice. I have also previously taught marketing related courses at Northwestern University's Kellogg Graduate School of Management, DePaul University's College of Commerce, The Lake Forest Graduate School of Management, and the University of Illinois at Chicago. I have authored many articles dealing with marketing and other business related issues. A copy of my curriculum vitae, summary of my teaching experience, publications list, billing rate and testimony experience, are attached to this report as **Exhibit A**.

3. Education. I received my Master's Degree in Business Administration in 1978 from the University of Chicago Graduate School of Business, with concentrations in marketing and finance. I also received a Master of Science Degree in Journalism from Northwestern University's Medill School of Journalism in 1965, with concentrations in the news and editorial sequence, and a Bachelor of Arts Degree with a major in journalism from the University of Michigan in 1964.

4. Prior Experience. I have previously worked as an Account Supervisor for two Downtown Chicago advertising agencies, as Vice President and Director of Public Relations for another Downtown Chicago advertising agency and as Account Supervisor for two major Downtown Chicago public relations agencies. I have had my own marketing communications consulting practice for

more than 20 years and have been involved in marketing consulting and survey work for law firms for more than a half dozen years.

5. Market Research/Trademark Experience. I also have extensive market research experience, including quantitative and qualitative survey research, and have done both in-person and telephone interviewing in various industries with respect to brands and trademarks. I have also designed and coordinated market research programs, including drafting questionnaires, performing and supervising personal interviews, organizing focus groups, tabulating and evaluating data, and preparing research reports. I was a presenter at a session in March, 2003, before the Minnesota State Bar Association entitled "The Effective Use of Survey Experts and Evidence in Trademark Cases." In addition, I have authored four articles on intellectual property trademark/secondary meaning surveys for *INTELLECTUAL PROPERTY TODAY* Magazine: (1) *"10 Frequently Asked Questions About Intellectual Property Surveys,"* which appeared in the August, 2003, issue; (2) *"Swimming in Shark-Infested Waters,"* which appeared in the June, 2004, issue; (3) *"Creativity Key to Executing Toughest IP Survey Projects,"* which appeared in July, 2005, and (4) *"What IP Attorneys Should Know About Expectations and Costs for Survey Research,"* which appeared in the April, 2006, issue. I also do extensive freelance writing for magazines and other publications on a variety

of business-related topics including marketing, marketing communications and trademarks

6. Trademark Testifying Experience. I am an expert in strategic marketing, marketing communications and intellectual property surveys with respect to brands and trademarks. Over the last 10 years I have been retained as an expert in three dozen or more lawsuits. In many of those lawsuits the issue was some form of trademark or trade dress infringement. In most of those lawsuits I have given deposition testimony. I also have been involved in matters where the issues were secondary meaning or genericness.

### III. RETENTION

6. I was retained in this matter by Alejandro Menchaca, of the Chicago law firm of McAndrews, Held & Malloy, Ltd., attorneys for the plaintiff.

### IV. RESEARCH DESIGN

7. In the present matter, I was asked to design and implement a survey conducted by third parties among adults (age 21 and over) who have either accounts or loans with LaSalle Bank in the Chicago area. The technique I used was one-on-one interviews undertaken in research offices in shopping malls. My general contractor was Mid-America Research and research was conducted at the Mid-America Research facilities at Yorktown Shopping Center, Lombard, IL, and the Orland Square Mall in

Orland Park, IL. Mid-America Research also arranged research to take place at: the Harlem-Irving Shopping Center, Chicago, the Stratford Square Shopping Center in Bloomingdale, IL and the North Point Shopping Center, Arlington Heights, IL. The research was conducted between June 3 and June 10, 2006. A total of 202 interviews took place. Participants received a five dollar (\$5.00) participation incentive. Each interview took approximately two (2) minutes.

8. Hypothesis. The hypothesis that we tested was when LaSalle Bank customers were presented with the advertising slogan "MAKING IMPOSSIBLE POSSIBLE," those individuals would indicate the belief that this was the LaSalle Bank advertising slogan
9. Instructions to Interviewers. The research began in all three venues with a meeting with the screeners and interview personnel chaired by myself. Interviewer Instructions can be found in **EXHIBIT C.**
10. Screening Process. To qualify the respondent: (1) had to be at least 21 years of age; (2) had to have a present account or loan with LaSalle Bank; (3) could not have been interviewed for another survey within the last six months; (5) could not work for an advertising agency, marketing research firm, bank or financial institution or have anyone in his/her household who works for an advertising agency, marketing research firm, bank or financial institution; (6) have eyeglasses or hearing aid with them if they

regularly used such devices. (The screening document can be found in **EXHIBIT C**).

11. The Interview Process. The interview questionnaire can be found in **EXHIBIT D**. Participants were seated at a table. The interviewer showed the participant three different FLASH CARDS (See **EXHIBIT E**). The first was "LION POWER;" the second was "WORKING HARD TO BE THE ONLY BANK YOU'LL EVER NEED;" and the third was "MAKING IMPOSSIBLE POSSIBLE." After each flash card was shown, the participant was asked: "Do you know what bank or financial institution is associated with this slogan?" If the respondent answered "No or Don't Know" they were shown a listing of nine banks and then asked "Here is a listing of banks. Which of these, if any, do you believe is identified with this slogan." The three banks – Harris Bank, 5<sup>th</sup> 3<sup>rd</sup> Bank, and LaSalle Bank have a major presence in the Chicago. Each bank has over 100 branches in Chicago and its suburbs. At the five venues, a total of 2,753 people were approached. Of those, 202 qualified for the survey. This is an incidence of 7.3 percent. See **Exhibit G** for the Contact Disposition Report
12. Validation. Suburban Research, a firm based in Ridgefield New Jersey, validated the survey. The results of the validation report can be found in **Exhibit H**. Based on the validation, eight (8) interviews were eliminated from the survey.

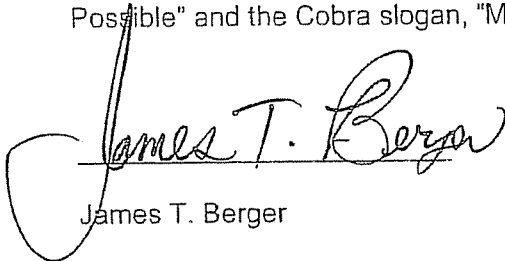
13. Results of the Survey. Tabulations are included in **Exhibit I.**

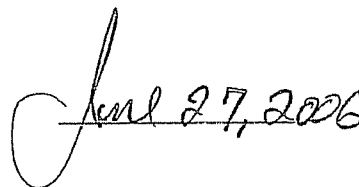
Tabulations reveal that 47 answered "LaSalle" to question 3.a. or 3.b. which shows a confusion rate of 24.2 percent. Applying an error factor of plus or minus 7 percent based on a survey universe of approximately 200, this means that there is a 95 percent probability that the actual level of confusion lies between 17.2 percent and 31.2 percent. Based on these results, one can apply commonly accepted confusion metrics. According to *McCarthy on Trademarks*:

"Generally, figures in the range of 25 percent to 50 percent have been viewed as solid support for a finding of likelihood of confusion....The Second Court found that a 15-20 percent rate corroborates a finding of likely confusion.

--*McCarthy on Trademarks*, 6/04, Page 32-326-327.

It is my opinion that this survey shows that a significant level of confusion exists among present customers of LaSalle Bank in the Chicago area between the LaSalle marketing slogan, "Making More Possible" and the Cobra slogan, "Making Impossible Possible."

  
James T. Berger



## EXHIBIT A

### CURRICULUM VITAE

#### James T. Berger

*IP Litigation Services & Surveys; Trademarks/Brands/Marketing;  
Marketing Consultant; Free-Lance Writer; University Instructor*

1604 Chicago Avenue - Suite 4, Evanston, IL 60201  
847-328-9633 Fax 847-328-9638

[jberger@jamesberger.net](mailto:jberger@jamesberger.net) WEB: [www.jamesberger.net](http://www.jamesberger.net)

#### EDUCATION

- 
- MBA University of Chicago, Graduate School of Business, concentrations in marketing and finance.
- MS Northwestern University, Medill School of Journalism, concentration in news/editorial sequence.
- BA University of Michigan, College of Literature, Science and the Arts, major in journalism.

#### PROFESSIONAL EXPERIENCE

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MARKET STRATEGIES, Chicago, Northbrook and Evanston, IL (1983 to present) Principal of this marketing services/consulting firm, which specializes in:

- Strategic marketing planning including creating written market plan documents.
- Implementing marketing programs.
- Integrated marketing communications services including advertising, public relations, sales promotion, direct mail.
- Project management including building and directing creative and production teams to execute marketing plans and specific tasks.
- Helping clients develop and maintain business relationships.

As a "hands-on" consultant, I help clients develop strategies and programs as well as assist in the implementation. The firm concentrates on business-to-business marketing with specific focus on financial services, accounting and consulting services, commercial real estate, eldercare, office technology, manufacturing and distribution. Concurrent with the management of Market Strategies, I became involved with:

THE INVESTOR RELATIONS COMPANY, Northbrook, IL (June 1998 to July 1999)  
As Senior Vice President, I was involved in the full array of Investor Relations activities including account management, working with the financial press including magazines, newsletter and wire services; direct contacts with analysts and brokers; and writing of financial news releases, quarterly and annual reports, profiles and fact sheets.

THE FINANCIAL RELATIONS BOARD, INC., Chicago, IL (April 1997 to June 1998)  
As an Account Manager for this large, national investor relations firm, I:  

- Coordinated account service, market intelligence and media activities.
- Created investment profiles and fact sheets; developed and wrote annual reports, quarterly earnings releases and other news releases.

STERN WALTERS/EARLE LUDGIN, Inc., Chicago, IL (1980-83) Vice President -- Account Supervisor:

- Account manager for Associates Commercial Corporation account, a commercial finance company with advertising billings in excess of \$7 million.
- Account manager for Sears, Roebuck & Co. Contract Sales Group division.
- Developed marketing strategies, planning and account management.

THE WITTLEDER COMPANY, Inc., Chicago, IL (1976-80) Vice President -- Account Supervisor:

- Created and implemented marketing strategies and programs.
- Clients involved in office products and services, data systems, micrographics, commercial real estate, automotive aftermarket and financial services.

BRAND ADVERTISING, Inc., Chicago, IL (1973-76) Vice President -- Director of Public Relations:

- Responsible for firm's public relations profit center.
- Programming, planning, client and media contact, writing and editing
- Active in new business development.
- Clients involved in automotive aftermarket, industrial equipment, agriculture.

GOLIN/HARRIS COMMUNICATIONS, Inc., Chicago, IL (1971-73) Account Supervisor for this large public relations agency:

- Worked on McDonald's restaurants, agency's major account.
- Created national model awareness program for Chicagoland market.
- Managed McDonald's involvement in public affairs, ecology, energy conservation, labor relations and the inner city.
- Involved in financial relations and marketing-support activities.

### EARLY EXPERIENCE

Began career as copy, wire and make-up editor for CHICAGO DAILY NEWS. Moved into corporate public relations as editor of an employee publication for ILLINOIS BELL TELEPHONE COMPANY in Chicago and Springfield, IL. As a publicity specialist for MORTON INTERNATIONAL INC., I became involved in the consumer, industrial, institutional, automotive and agricultural markets. My first experience in agency public relations was with THE PUBLIC RELATIONS BOARD, INC., (now known as PORTER NOVELLI), first as an account executive and later as an account supervisor.

### PROFESSIONAL MEDIA EXPERIENCE

- Copy Editor for *Chicago Daily News*, Chicago, IL
- Editor and General Assignment Reporter for *The Patriot Ledger*, Quincy, MA
- Correspondent for *United Press International* in Ann Arbor, MI
- Part-time general assignment reporter for *Pioneer Press* newspapers, Wilmette and Highland Park, IL
- Free-lance columnist for *Homelife* section of *Chicago Sun Times*

### ARTICLES PUBLISHED

Intellectual property litigation-related articles:

- "10 Frequently Asked Questions about Intellectual Property Litigation Surveys" published in the August 2003 issue of *Intellectual Property Today*.



- “Swimming in Shark-Infested Waters,” published in June 2004 issue of *Intellectual Property Today*.
- “Creativity Key to Executing Toughest IP Survey Projects,” published in July 2005 issue of *Intellectual Property Today*.
- “What IP Attorneys Should Know About Expectations and Costs For Survey Research,” published in April 2006 issue of *Intellectual Property Today*.

Marketing communications-related articles published in:

- *Crain's Chicago Business*, a weekly business publication.
- *Services Marketing Today*, published by the American Marketing Association
- *Talking To The Boss*, a weekly business publication.
- University of Chicago Graduate School of Business alumni magazine.
- *Your Business*, a quarterly magazine published for GE Capital by Baumer Financial Publishing, Chicago.
- *Independent Business*, a monthly magazine published by Group IV Communications, Thousand Oaks, CA.

**Business-related articles in published in:**

- *Active Times*
- *Business Life*
- *Office Dealer*
- *Office System*
- *Chicago Sun-Times*
- *Dow Jones Business Employment Weekly*
- *Texas Realtor*
- *Multifamily Executive*
- *Office and Industrial Properties*
- *Real Estate Profiles*
- *Kiwanis Magazine*
- *The Rotarian*
- *Executive Decision*
- *Home Business Journal*
- *Business Sense*
- *Real Estate Chicago*
- *American Fitness*
- *Area Development*
- *Real Estate Chicago*
- *Grid*
- *Plants, Sites & Parks*
- *Journal of Property Management*
- *Commercial Investment Real Estate*
- *Crain's Chicago Business*
- *Tax Credit Advisor*

## TEACHING EXPERIENCE

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### NORTHWESTERN UNIVERSITY

#### Kellogg Graduate School of Management

- Business Marketing -- A graduate level course focusing on industrial and business-to-business marketing principles and cases.

#### School of Continuing Studies

- Principles of Marketing -- An introductory survey course that covers basic principles including market research.
- Strategic Marketing: Cases in Decision-Making -- A more advanced, case-method course.
- Business-to-Business Marketing -- A course that explores the differences between consumer marketing and business marketing.
- Introduction to Public Relations -- An introductory course that focuses on the various facets of public relations and publicity.
- Integrated Marketing Communications -- A course that I created that focuses on the synergies of coordinating all the promotional blend elements.

### ROOSEVELT UNIVERSITY

#### Walter E. Heller College of Business Administration

Nominated for ADJUNCT FACULTY PERSON OF THE YEAR AWARD in 2005/06.

- Marketing in Theory and Practice -- A graduate level course that covers basic principles of marketing and market research.
- Selling and Sales Management -- An undergraduate course focusing on consultative selling and the management of the sale force.
- Consumer Behavior -- An undergraduate course that explored the how's and why's of consumer purchasing.
- Introduction to Advertising -- An undergraduate course focusing on advertising, sales promotion and integrated marketing communications.
- International Marketing Analysis -- A graduate level course that probes how foreign companies market in the United States and how domestic companies market abroad.

### UNIVERSITY OF ILLINOIS AT CHICAGO

- Advertising and Sales Promotion -- An undergraduate course that introduces students to the basic principles of advertising.
- New Product Management -- An undergraduate course focusing on the new product development and marketing process.

### DE PAUL UNIVERSITY

#### College of Commerce -- Graduate Level

- Marketing Strategy -- A case-oriented course focusing on decision-making.
- Industrial Marketing -- A course utilizing cases and text that concentrates on industrial and business-to-business marketing.

#### College of Commerce -- Undergraduate Level

- Principles of Marketing -- A basic, survey course that introduces all the College of Commerce students to marketing.
- Marketing Management -- A second-tier course that uses cases to illustrate basic marketing principles.
- Introduction to Advertising -- A course for marketing majors that introduces students to

- basic advertising.
- Industrial Marketing -- A course for marketing majors focusing on industrial and business-to-business marketing.
- Personal Selling -- A course for marketing majors that concentrates on consultative selling.

#### LAKE FOREST GRADUATE SCHOOL OF MANAGEMENT

- Marketing Management -- An executive graduate-level course that uses cases and a major team project to introduce students to the principles of marketing and marketing management.

#### MINNESOTA STATE BAR ASSOCIATION

##### Continuing Legal Education

- Faculty member for "The Effective Use of Survey Experts and Evidence in Trademark Cases." Minneapolis State Bar Association, Minneapolis, MN, March 7, 2002.

#### LITIGATION EXPERIENCE

I have been deposed in the following cases: (side who retained me in **BOLD**)

Allan J. DeMars, as Trustee for Weisser Eyecare, Inc., v. **NBD Highland Park**, October 12, 1996.

**Black & Decker (U.S.) Inc., Black & Decker Inc., and The Black & Decker Corporation v. Pro-Tech Power Inc., P&F Brother Industrial Corporation and Nu-Way Machinery Corporation**, February 5, 1998 And March 5, 1998

**Euromarket Designs, Inc., dba Crate & Barrel Limited v. Miriam Peters and Point Blank Multimedia**, August 3, 2000.

**Atlas Electric Devices Co. v. Q-Panel Lab Products Corporation**, April 26, 2001.

**Motor Werks Partners, L.P. v. BMW of North America**, June 11, 2001.

**Sparks & Crain v. AT&T and Lucent Technologies**, February 18, 2002.

**Native American Arts v. Earth Dweller, Ltd., and The Waldron Corporation**, April 5, 2002.

**Heartland Corporation v. Don Siphers et al.**, June 25, 2002.

**Master Tech Products, Inc., v. Prism Enterprises, Inc.**, September 11, 2002.

**Mansfield Plumbing Products L.L.C. v. Mariner Partners, Inc., et al.**, March 4, 2003.

**Horizon Health Services, Inc. v. Allied National, Inc. et al**, October 25, 2004.

**S&M Nutec, L L C. v. T.F.H. Publications, Inc.**, January 16, 2005.

**Century 21 Real Estate v. Century Surety Co.**, March 1, 2005.

**Midwest Canvas Corp. v. Nationwide Tarps, Inc.**, March 17, 2005

Seed Lighting Design Co. LTD v Home Depot, Trend Lighting, Corp and Hampton Bay Fan & Lighting Company, July 14, 2005.

Dioptics Medical Products, Inc. v. PR Trading Company D/B/A/ Polar Ray Sunglasses Corporation, August 13, 2005.

True & Dorin Medical Group v. Leavitt Medical Associates, et al, September 10, 2005

Edina Realty v. TheMLSonline.com, Inc., Oct. 7, 2005.

Kevin Trudeau et al v. George Lanoue et al, November 21, 2005

Dioptics v. PR Trading Company, Feb. 17, 2006.

**BILLING RATE (FOR EXPERT WITNESS SERVICES)**

\$300 per hour.

## EXHIBIT B

### INTERVIEWER INSTRUCTIONS Bank Mall Survey

#### A. Research Objectives

To determine consumer awareness of bank marketing slogans.

#### B. Important Information

THE SURVEY QUESTIONNAIRE IS A RELATIVELY SHORT QUESTIONNAIRE. BE SURE TO READ EVERY QUESTION EXACTLY AS WRITTEN ON THE SURVEY QUESTIONNAIRE.

Record all answers to open-ended questions verbatim, exactly as stated by the respondent.

Any instructions WHICH ARE IN ALL CAPITALIZED LETTERS and are in a box are for your own guidance and should NOT be read to the respondent.

#### C. Sample

This survey is to be conducted among men and women, age 21 and above. (Screener Questionnaire [SQ] QUESTION A.)

To qualify for the interview, the respondent must indicate that he or she:

- Is a current customer (i.e. has an account of some form) at LaSalle Bank.
- However, no interview may be conducted with anyone who:
- Was interviewed for another survey during the past six months (SQ QUESTION C)
- Works for, or has a household member who works for, an advertising agency, marketing research firm, bank or financial institution. (SQ QUESTION D)
- Usually wears eyeglasses, contact lenses or a hearing aid and does not have them along or refuses to use them. (SQ QUESTIONS F, G)

If a respondent does not qualify for an interview based on the qualifications above, thank him/her for their time. Circle the next available number adjacent to the reason for termination, *located on the last page of the SQ*. The first termination should result in a circle around the number one (1), the next termination should result in a circle around number two (2) and so on.

#### D. Recruiting Respondents

Respondents are to be recruited in the mall. A qualified respondent must be taken into the interviewing area for the Survey Questionnaire.

When recruiting, approach every male and female person who passes the location where the research company is recruiting who appears to be over 21 years old. Do so on a systematic and non-judgmental basis except as to age. Do not select potential respondents on the basis of their appearance, demeanor, or apparent willingness to be interviewed.

#### **E. Screening Questionnaire (SQ)**

You need *NOT* record answers to the qualification questions on the SQ. Re-use the SQ until you find a qualified respondent.

If the respondent does *NOT* meet the qualifications for a full interview, the only information to be recorded is a circle adjacent to the appropriate reason for termination (on the last page of the SQ).

If a respondent is qualified and ready to proceed to the interviewing area:

- Record the *respondent's name* on the last page of the SQ.
- Have the research center's screening person *sign his/her name* on the last page of the SQ.
- Circle the *age* of the respondent on the front page of the SQ.

Then walk the respondent to the research center interviewing office. If another interviewer is going to complete the Survey Questionnaire, introduce the respondent to that interviewer.

Do not — under any circumstances — give the Survey Questionnaire to the respondent. (THE RESPONDENT SHOULD NEVER BE ABLE TO READ THE CONTENT OF THE IN-OFFICE QUESTIONNAIRE.)

**NOTE: WE WILL VALIDATE UP TO 100% OF THE INTERVIEWS IN THIS STUDY**

#### **F. Survey Questionnaire**

Initial Instruction. Request respondent to sit down and make himself or herself comfortable. Read all questions and instructions exactly as written. Before the interview begins, obtain the name (correct spelling) and phone number of the respondent.

### **G. Recording Answers**

If the respondent's answer to a question is fairly long and he or she is speaking too rapidly, request the respondent slow down by saying:

*"I want to record your answer correctly, word for word. Could you speak a little slower, so that I can record everything you are saying."*

Please record all answers in pencil. In the event you make a mistake when recording an answer, cross out the incorrect information and add the correct response. Do not erase.

After you have completed each interview, you should always — ALWAYS — review the entire Survey Questionnaire to make sure you have:

- Provided an answer to every question which should have been asked.
- Recorded any open-ended questions fully in the exact words spoken by the respondent.

### **H. Respondent Completion Form**

After the interview is completed, request the respondent to *sign* the Respondent Completion Form and to indicate his/her address and telephone number. (The Respondent Completion Form should be signed right after the respondent is paid the participation fee.)

The Respondent Completion Form should have a list of all the completed interviews. The name on the last page of the Survey Questionnaire and the telephone number should match the name and telephone number on the Respondent Completion Form. The SQ should be stapled to the In-Office Questionnaire.

**SIGN THE INTERVIEWER CERTIFICATE ON THE LAST PAGE OF THE IN-OFFICE QUESTIONNAIRE AND FILL IN THE DATE THE INTERVIEW WAS COMPLETED.**

## EXHIBIT C

### SCREENING QUESTIONNAIRE BANK MALL SURVEY

Venue
-------

<b>GENDER OF RESPONDENT</b> (circle answer)	<b>AGE OF RESPONDENT</b> (circle answer)
Female	Under 21    21 and over
Male	Under 21    21 and over

TRY TO RECRUIT ALL MALES AND FEMALES AGE 21 AND OLDER. CONFIRM AGE. IF RESPONDENT DOES NOT SPEAK ENGLISH, TERMINATE. CIRCLE NEXT AVAILABLE NUMBER UNDER RECORD OF TERMINATIONS ON LAST PAGE OF THIS SCREENING QUESTIONNAIRE.

Hello, my name is \_\_\_\_\_. I am from \_\_\_\_\_ Research.

- I am conducting a short survey.
- We do not sell anything. This is strictly a marketing research study.
- If you are willing to participate and you qualify, we will pay you a participation fee of \$5.00.

A. We want to interview a cross-section of men and women. Therefore I need to ask you how old you are. What is your age?

\_\_\_ Under 21 years                      (IF UNDER 21  
\_\_\_ 21 years old and over            TERMINATE)

IF BELOW 21 YEARS OF AGE, TERMINATE. CIRCLE NEXT AVAILABLE NUMBER UNDER RECORD OF TERMINATIONS ON LAST PAGE OF THIS SCREENING QUESTIONNAIRE.

B. We want to interview people who have accounts and/or loans with various banks. Therefore, let me ask you: At what banks or financial institutions do you current have accounts and/or loans.

IF HE/SHE DOES NOT MENTION LA SALLE BANK TERMINATE. CIRCLE NEXT AVAILABLE NUMBER UNDER RECORD OF TERMINATIONS ON PAGE 3 OF THIS SCREENING QUESTIONNAIRE



C. Incidentally, have you been interviewed for any consumer survey during the past six months?

IF 'YES' TO RECENT INTERVIEW, TERMINATE. CIRCLE NEXT AVAILABLE NUMBER UNDER RECORD OF TERMINATIONS ON PAGE 3 OF THIS SCREENING QUESTIONNAIRE.

D. Do you — or anyone in your household — work for:

- ☐ A marketing research firm
- ☐ An advertising agency
- ☐ A bank or financial institution.

IF 'YES' TO ANY OF THE ABOVE, TERMINATE. CIRCLE NEXT AVAILABLE NUMBER UNDER RECORD OF TERMINATIONS ON PAGE 4 OF THIS SCREENING QUESTIONNAIRE.

E. Do you usually wear eyeglasses or contact lenses when reading?

(If "YES," ASK) Do you have glasses or contact lenses with you today? I would ask you to use them now.

F. Do you usually use a hearing aid while engaged in normal conversation?

(If "YES," ASK). Do you have your hearing aid with you today? I would really appreciate if you would use it now).

IF RESPONDENT USUALLY WEARS GLASSES OR CONTACTS OR USUALLY USES A HEARING AID FOR NORMAL CONVERSATION, BUT DOES NOT HAVE THESE DEVICES WITH THEM OR REFUSES TO USE THEM, TERMINATE. CIRCLE NEXT AVAILABLE NUMBER UNDER RECORD OF TERMINATIONS ON PAGE 4 OF THIS SCREENING QUESTIONNAIRE.

G. The rest of the interview will take only a few minutes. However, I'd like you to accompany me into a nearby room.

ESCORT RESPONDENT TO THE INTERVIEWING ROOM.

IF RESPONDENT REFUSES TO COMPLETE INTERVIEW, TERMINATE. CIRCLE NEXT AVAILABLE NUMBER UNDER RECORD OF TERMINATIONS ON PAGE 4 OF THIS SCREENING QUESTIONNAIRE.

WHEN SCREENER AND RESPONDENT ENTER THE RESEARCH CENTER, SAY:

H. As I mentioned before, my name is \_\_\_\_\_. What is your name?

RECORD RESPONDENT'S NAME BELOW. THEN, HAND SCREENING QUESTIONNAIRE TO OTHER INTERVIEWER, IF OTHER INTERVIEWER IS CONDUCTING THE IN-OFFICE PORTION OF THE INTERVIEW.

Respondent's name \_\_\_\_\_

Respondent's Phone Number \_\_\_\_\_

<u>RECORD OF TERMINATIONS</u>										
DOES NOT SPEAK ENGLISH	1	2	3	4	5	6	7	8	9	10
A. UNDER 21	1	2	3	4	5	6	7	8	9	10
B. DOES NOT HAVE ACCOUNTS OR LOANS WITH LASALLE BANK	1	2	3	4	5	6	7	8	9	10
C. RECENT INTERVIEWS	1	2	3	4	5	6	7	8	9	10
D. DISQUALIFIED OCCUPATION	1	2	3	4	5	6	7	8	9	10
E. NO EYEGLASSES/ LENSES/ HEARING AID	1	2	3	4	5	6	7	8	9	10
G. REFUSED REMAINDER OF INTERVIEW	1	2	3	4	5	6	7	8	9	10

**SCREENER CERTIFICATE**

I hereby certify that all the information was obtained by me from the respondent named above and was recorded accurately. The interview was completed:  
ON (DATE) \_\_\_\_\_

SCREENER'S NAME (PRINT) \_\_\_\_\_

SCREENER'S SIGNATURE \_\_\_\_\_

STAPLE SCREENING QUESTIONNAIRE, IN-OFFICE QUESTIONNAIRE AND RESPONDENT COMPLETION FORM TOGETHER. MAKE SURE YOU RECORDED THE LOCATION OF THIS INTERVIEW AND THE GENDER AND AGE OF RESPONDENT ON FRONT OF THIS SCREENING QUESTIONNAIRE. BE SURE YOU HAVE WRITTEN RESPONDENT'S NAME AT THE TOP OF THIS PAGE.

## EXHIBIT D

### BANK MALL SURVEY QUESTIONNAIRE —

THE INTERVIEWEE AND INTERVIEWER ARE SEATED AT A DESK. THE INTERVIEWER FIRST SHOWS THE SUBJECT THE FIRST ADVERTISING SLOGAN ON A FLASH CARD. LEAVE FLASHCARD ON THE TABLE THROUGH QUESTION 1 (2) AND THEN REMOVE.

1. **LION POWER.** DO YOU KNOW WHAT BANK OR FINANCIAL INSTITUTION IS IDENTIFIED WITH THIS SLOGAN.

\_\_\_ YES      \_\_\_ NO      \_\_\_ DON'T KNOW

- (1) If YES, WHAT IS THE NAME OF THE BANK OR FINANCIAL INSTITUTION?

\_\_\_\_\_

- (2) IF NO, HERE IS A LISTING OF SOME BANKS. WHICH OF THESE, IF ANY, DO YOU BELIEVE IS IDENTIFIED WITH THIS SLOGAN.

\_\_\_\_\_

THE INTERVIEWER NEXT SHOWS THE SUBJECT THE SECOND ADVERTISING SLOGAN ON A FLASH CARD. LEAVE FLASHCARD ON THE TABLE THROUGH QUESTION 2 (2) AND THEN REMOVE.

2. **WORKING HARD TO BE THE ONLY BANK YOU'LL EVER NEED.** DO YOU KNOW WHAT BANK OR FINANCIAL INSTITUTION IS IDENTIFIED WITH THIS SLOGAN.

\_\_\_ YES      \_\_\_ NO      \_\_\_ DON'T KNOW

- (1) If YES, WHAT IS THE NAME OF THE BANK OR FINANCIAL INSTITUTION?

\_\_\_\_\_

- (2) IF NO, HERE IS A LISTING OF BANKS. WHICH OF THESE, IF ANY, DO YOU BELIEVE IS IDENTIFIED WITH THIS SLOGAN.

\_\_\_\_\_

THE INTERVIEWER NEXT SHOWS THE SUBJECT THE THIRD ADVERTISING SLOGAN ON A FLASH CARD. LEAVE FLASHCARD ON THE TABLE THROUGH QUESTION 1 (2) AND THEN REMOVE.

3. *MAKING IMPOSSIBLE POSSIBLE.* DO YOU KNOW WHAT BANK OR FINANCIAL INSTITUTION IS IDENTIFIED WITH THIS SLOGAN.

\_\_\_ YES      \_\_\_ NO      \_\_\_ DON'T KNOW

- (1) IF YES, WHAT IS THE NAME OF THE BANK OR FINANCIAL INSTITUTION?

\_\_\_\_\_

- (2) IF NO, HERE IS A LISTING OF BANKS. WHICH OF THESE, IF ANY, DO YOU BELIEVE IS IDENTIFIED WITH THIS SLOGAN.

\_\_\_\_\_

THANK YOU VERY MUCH

Interviewer's Name \_\_\_\_\_

Date \_\_\_\_\_

EXHIBIT E – Flash Cards

LION POWER

WORKING HARD TO BE  
THE ONLY BANK  
YOU'LL EVER NEED

MAKING IMPOSSIBLE  
POSSIBLE

EXHIBIT F — Bank List

Bank of America

Charter One Bank

Chase Bank

Citibank

Cole Taylor Bank

5<sup>th</sup> 3<sup>rd</sup> Bank

Harris Bank

LaSalle Bank

U.S. Bank

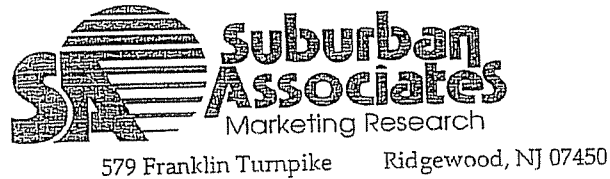
## EXHIBIT G

### Contact Disposition Report Bank Slogan Study

	Total	Orland	Yorktown	Stratford	Harlem Irving	North Point
<b>Contact</b>	<b>2753</b>	<b>1201</b>	<b>585</b>	<b>297</b>	<b>600</b>	<b>70</b>
Term -Age	83	26	21	21	14	1
Term -Not LaSalle Customer	2224	991	515	151	499	68
Term - Past Participant	59	20	10	16	12	1
Term - Security	39	5	28	4	2	0
Term -Qualified Refusal	19	8	11	0	0	0
<b>Completes</b>	<b>202</b>	<b>106</b>	<b>28</b>	<b>30</b>	<b>31</b>	<b>7</b>
<i>Incidence</i>	7.3%	8.9%	4.8%	10.1%	5.2%	10%

## Exhibit H

### VALIDATION REPORT



June 23, 2006

Mr. James T. Berger  
Market Strategies  
1604 Chicago Avenue – Suite 4  
Evanston, Illinois 60201

Dear Mr. Berger.

A one hundred percent validation check was attempted of those who participated in the La Salle Bank Study. The purpose of the validation check was to determine whether each of the interviews conducted was valid. Validity is defined by the respondents answering each of the questions that qualified them as appropriate respondents the same way on the validity check as they did when originally intercepted and screened on a shopping mall. Normally, a 40 percent validation is deemed acceptable. However, when several interviews from one facility turned out to be invalid, we agreed at your request to do a 100 percent validation.

Suburban Associates routinely conducts validation studies on survey research for which they were not data collectors. Our firm was provided with listings (respondent names, phone numbers and interviewer names). Our validation interviewers validated respondent's initial statements as to:

Gender  
Age (21 years old and older)  
Banks or financial institutions where the respondent currently has accounts or loans

The results of the validation check were:

202	called one or more times
69	interviews were verified to be valid.
81	interviewees could not be contacted after three (3) attempts due to not being at home/answering machine.
8	interviews were determined to be invalid. These interviews did not validate because in each instance the individual contacted said he/she



- did not have an account or loan at LaSalle Bank. When they were originally interviewed, the interviewer listed LaSalle Bank as a bank or financial institution where the respondent had an account or loan. Our recommendation is to eliminate these interviews and tabulate on the basis of 194 interviews.
- 15 interviews were found to be either wrong number or no such number. This is a normal percentage in surveys such as this dealing with banks and/or financial institutions.
  - 24 phone number given to interviewer was disconnected. Again, this is normal for surveys of this type.
  - 3 interviews were terminated because the interviewee hung up the phone
  - 2 interviewees refused to give a phone number at the time they were surveyed

Based on our experience, we find these results fit within commonly accepted standards and in our opinion the survey passed its test for validity.

Sincerely,

Arlene Hausner  
Validation Supervisor

Mall	Comp inter	Interviewer	Good Validation	Refused to answer	Not Qualified	Wrong #/No Such Person	Disc Phone	No Phone Given	Open - Not reached after 2+ attempts
STRATFORD SQUARE	4	Allen Myler	1	0	1	0	0	0	2
	18	Jared Sathorne	5	0	3	2	4	0	4
	1	Kyle G	1	0	0	0	0	0	0
	7	Sam Katz	1	0	0	0	0	0	6
HARLEM	7	Michelle Cigrano	3	0	0	1	0	0	3
IRVING SQUARE	18	Peg Abriano	9	0	1	1	0	0	7
	5	Sherri Melchor	2	0	0	0	0	0	3
	1	Sue Piacenza	0	1	0	0	0	0	0
NORTHPOINT SHOPPING CENTER	4	Amy Teller	1	0	0	1	0	0	2
	1	Cathy Duval	0	0	0	0	0	0	1
	2	Mary Ann Smith	1	0	0	0	0	0	1
YORKTOWN	7	Daina Veiglemanis	1	0	0	3	1	0	2
	12	Joe Bilr	5	0	0	1	2	0	4
	6	Lexi Veiglemanis	1	0	0	0	0	0	5
	3	Nick Sabatini	1	0	0	0	1	0	1
ORLAND PARK	3	A.Jare	2	0	0	0	0	0	1
	10	Arlene Hall	2	1	0	0	0	0	7
	27	Joan Yutka	11	0	2	1	6	0	7
	2	J S Rogers	0	0	0	0	2	0	0
	16	Karen Bailer	5	0	0	3	1	0	7
	13	Lorraine Jancik	6	0	0	0	0	0	7
	12	Nancy Lee	4	0	0	2	1	0	5
	23	Sandy Puff	7	1	1	1	6	2	5
COMPLETED	202		69	3	8	16	24	2	80

date:  
6/22/06

## Exhibit I

### TABULATIONS

#### TABLE OF CONTENTS

Page 1.....	Gender
Page 2.....	B. We want to interview people who have accounts and/or loans with various banks. Therefore, let me ask you: At what banks or financial institutions do you currently have accounts and/or loans?
Page 3.....	1. LION POWER. Do you know what bank or financial institution is identified with this slogan?
Page 4.....	1.1. If yes, what is the name of the bank or financial institution?
Page 5.....	1.2. If no, here is a listing of some banks. Which of these, if any, do you believe is identified with this slogan?
Page 6.....	1.1-2. Banks identified with slogan: LION POWER Summary
Page 7.....	2. WORKING HARD TO BE THE ONLY BANK YOU'LL EVER NEED. Do you know what bank or financial institution is identified with this slogan?
Page 8.....	2.1. If yes, what is the name of the bank or financial institution?
Page 9.....	2.2. If no, here is a listing of the banks. Which of these, if any, do you believe is identified with this slogan?
Page 10.....	2.1-2. Banks identified with slogan: WORKING HARD TO BE THE ONLY BANK YOU'LL EVER NEED Summary
Page 11.....	3. MAKING IMPOSSIBLE POSSIBLE. Do you know what bank or financial institution is identified with this slogan?
Page 12.....	3.1. If yes, what is the name of the bank or financial institution?
Page 13.....	3.2. If no, here is a listing of the banks. Which of these, if any, do you believe is identified with this slogan?
Page 14.....	3.1-2. Banks identified with slogan: MAKING IMPOSSIBLE POSSIBLE Summary

Gender	
	Total -----
Total	194 100%
Female	117 60.3%
Male	77 39.7%

B. We want to interview people who have accounts and/or loans with various banks.  
Therefore, let me ask you: At what banks or financial institutions do you currently have accounts and/or loans?

	Total -----
Total	194 100%
LaSalle Bank	194 100%

1. LION POWER.  
 Do you know what bank or financial institution is identified with this slogan?

	Total -----
Total	194 100%
Yes	142 73.2%
No	44 22.7%
Don't know	8 4.1%

1.1. If yes, what is the name of the bank or financial institution?

	Total -----
Total	142 100%
Harris Bank	124 87.3%
LaSalle Bank	12 8.5%
Washington Mutual	2 1.4%
Mid America Bank	1 0.7%
Cole Taylor Bank	1 0.7%
Midwest Bank	1 0.7%
ING	1 0.7%

1.2. If no, here is a listing of some banks.  
 Which of these, if any, do you believe is identified with this slogan?

	Total -----
Total	44 100%
Harris Bank	15 34.1%
LaSalle Bank	9 20.5%
Bank of America	4 9.1%
Chase Bank/Bank One	3 6.8%
Cole Taylor Bank	2 4.5%
Charter One Bank	1 2.3%
Fifth Thrid Bank	1 2.3%
U.S. Bank	1 2.3%
Don't Know	8 18.2%



1.1-2. Banks identified with slogan: LION POWER  
Summary

	Total	LION POWER		
		Yes	No	Don't Know
Total	194 100%	142 100.0%	44 100%	8 100.0%
Harris Bank	144 74.2%	124 87.3%	15 34.1%	5 62.5%
LaSalle Bank	21 10.8%	12 8.5%	9 20.5%	-
Bank of America	4 2.1%	-	4 9.1%	-
Chase Bank/Bank One	3 1.5%	-	3 6.8%	-
Cole Taylor Bank	3 1.5%	1 0.7%	2 4.5%	-
Washington Mutual	2 1.0%	2 1.4%	-	-
Fifth Thrid Bank	1 0.5%	-	1 2.3%	-
U.S. Bank	1 0.5%	-	1 2.3%	-
Mid America Bank	1 0.5%	1 0.7%	-	-
Charter One Bank	1 0.5%	-	1 2.3%	-
Midwest Bank	1 0.5%	1 0.7%	-	-
ING	1 0.5%	1 0.7%	-	-
Don't Know	11 5.7%	-	8 18.2%	3 37.5%

2. WORKING HARD TO BE THE ONLY BANK YOU'LL EVER NEED.  
 Do you know what bank or financial institution is identified with this slogan?

	Total -----
Total	194 100%
Yes	58 29.9%
No	113 58.2%
Don't know	23 11.9%

2.1. If yes, what is the name of the bank or financial institution?

	Total -----
Total	58 100%
LaSalle Bank	24 41.4%
Fifth Thrid Bank	15 25.9%
Chase Bank/Bank One	7 12.1%
Citibank	7 12.1%
Harris Bank	2 3.4%
Bank of America	2 3.4%
National City	1 1.7%

2.2. If no, here is a listing of the banks.  
 which of these, if any, do you believe is identified with this  
 slogan?

	Total -----
Total	113 100%
Citibank	24 21.2%
Bank of America	20 17.7%
LaSalle Bank	18 15.9%
Chase Bank/Bank One	13 11.5%
Fifth Thrid Bank	12 10.6%
Harris Bank	4 3.5%
Charter One Bank	4 3.5%
U.S. Bank	4 3.5%
Cole Taylor Bank	2 1.8%
Don't Know	12 10.6%

2.1-2. Banks identified with slogan: WORKING HARD TO BE THE ONLY BANK  
YOU'LL EVER NEED

## Summary

	Total	WORKING HARD TO BE THE ONLY BANK YOU'LL NEED		
		Yes	No	Don't Know
Total	194 100%	58 100.0%	113 100%	23 100.0%
LaSalle Bank	44 22.7%	24 41.4%	18 15.9%	2 8.7%
Citibank	34 17.5%	7 12.1%	24 21.2%	3 13.0%
Fifth Third Bank	30 15.5%	15 25.9%	12 10.6%	3 13.0%
Bank of America	24 12.4%	2 3.4%	20 17.7%	2 8.7%
Chase Bank/Bank One	23 11.9%	7 12.1%	13 11.5%	3 13.0%
Harris Bank	7 3.6%	2 3.4%	4 3.5%	1 4.3%
U.S. Bank	5 2.6%	-	4 3.5%	1 4.3%
Charter One Bank	4 2.1%	-	4 3.5%	-
Cole Taylor Bank	2 1.0%	-	2 1.8%	-
National City	1 0.5%	1 1.7%	-	-
Don't Know	20 10.3%	-	12 10.6%	8 34.8%

3. MAKING IMPOSSIBLE POSSIBLE.  
Do you know what bank or financial institution is identified with this slogan?

	Total -----
Total	194 100%
Yes	52 26.8%
No	118 60.8%
Don't know	24 12.4%

3.1. If yes, what is the name of the bank or financial institution?

	Total -----
Total	52 100%
LaSalle Bank	35 67.3%
Chase Bank/Bank One	8 15.4%
Citibank	5 9.6%
Bank of America	2 3.8%
Charter One Bank	1 1.9%
Mid America Bank	1 1.9%

3.2. If no, here is a listing of the banks.  
 slogan? which of these, if any, do you believe is identified with this

	Total -----
Total	118 100%
Citibank	20 16.9%
Bank of America	17 14.4%
Chase Bank/Bank One	16 13.6%
LaSalle Bank	11 9.3%
Cole Taylor Bank	9 7.6%
Charter One Bank	7 5.9%
Harris Bank	5 4.2%
U.S. Bank	5 4.2%
Fifth Thrid Bank	3 2.5%
Don't Know	25 21.2%



3.1-2. Banks identified with slogan: MAKING IMPOSSIBLE POSSIBLE  
Summary

	Total	MAKING IMPOSSIBLE POSSIBLE		
		Yes	No	Don't Know
Total	194 100%	52 100.0%	118 100%	24 100.0%
LaSalle Bank	47 24.2%	35 67.3%	11 9.3%	1 4.2%
Chase Bank/Bank One	27 13.9%	8 15.4%	16 13.6%	3 12.5%
Citibank	26 13.4%	5 9.6%	20 16.9%	1 4.2%
Bank of America	20 10.3%	2 3.8%	17 14.4%	1 4.2%
Cole Taylor Bank	11 5.7%	-	9 7.6%	2 8.3%
Charter One Bank	10 5.2%	1 1.9%	7 5.9%	2 8.3%
U.S. Bank	6 3.1%	-	5 4.2%	1 4.2%
Harris Bank	5 2.6%	-	5 4.2%	-
Fifth Thrid Bank	3 1.5%	-	3 2.5%	-
Mid America Bank	1 0.5%	1 1.9%	-	-
Don't Know	38 19.6%	-	25 21.2%	13 54.2%